

DISTRICT COURT, DENVER COUNTY, COLORADO 1437 Bannock Street Denver, CO 80202	DATE FILED: September 17, 2021 8:12 PM FILING ID: E9E5DD591D201 CASE NUMBER: 2020CV34319
ERIC COOMER, Ph.D., Plaintiff  vs.  DONALD J. TRUMP FOR PRESIDENT, INC., et al., Defendants	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
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<p style="text-align: center;"><b>EXHIBIT J-1</b></p>	

DISTRICT COURT  
DENVER COUNTY, COLORADO

ERIC COOMER, Ph.D., )  
Plaintiff, )  
vs. )Case Number  
2020CV34319  
DONALD J. TRUMP FOR )  
PRESIDENT, INC., SIDNEY )  
POWELL, SIDNEY POWELL, )  
P.C., RUDOLPH GIULIANI, )  
JOSEPH OLTMANN, FEC )  
UNITED, SHUFFLING )  
MADNESS MEDIA, INC. dba )  
CONSERVATIVE DAILY, )  
JAMES HOFT, TGP )  
COMMUNICATIONS LLC dba )  
THE GATEWAY PUNDIT, )  
MICHELLE MALKIN, ERIC )  
METAXAS, CHANEL RION, )  
HERRING NETWORKS, INC. )  
dba ONE AMERICA NEWS )  
NETWORK, and NEWSMAX )  
MEDIA, INC., )  
Defendants. )  
\_\_\_\_\_ )

VIDEOTAPED DEPOSITION OF  
RUDOLPH GIULIANI  
New York, New York  
Saturday, August 14, 2021

Reported By:  
CATHI IRISH, RPR, CRR, CLVS

<p>1 2 3 4 5 6 7 8 August 14, 2021 9 9:25 a.m. 10 11 Videotaped deposition of RUDOLPH 12 GIULIANI, held at the offices of 13 Giuliani Partners, 445 Park Avenue, 14 Suite 1801, New York, New York, before 15 Cathi Irish, a Registered Professional 16 Reporter, Certified Realtime Reporter, 17 and Notary Public of the State of 18 New York. 19 20 21 22 23 24 25</p>	<p>1 2 A P P E A R A N C E S (via Zoom): 3 4 RECHT KORNFELD, PC 5 Attorneys for Plaintiff 6 1600 Stout Street 7 Suite 100 8 Denver, Colorado 80202 9 BY: THOMAS M. ROGERS III (TREY), ESQ. 10 11 ARRINGTON LAW FIRM 12 Attorneys for Defendant Sidney Powell 13 &amp; Sidney Powell, P.C. 14 3801 East Florida Avenue 15 Suite 830 16 Denver, Colorado 80210 17 BY: BARRY ARRINGTON, ESQ. 18 19 20 21 22 23 24 25</p>
Page 2	Page 4
<p>1 2 A P P E A R A N C E S: 3 4 CAIN &amp; SKARNULIS PLLC 5 Attorneys for Plaintiff 6 P.O. Box 1064 7 Salida, Colorado 81201 8 BY: CHARLES J. CAIN, ESQ. 9 STEVE SKARNULIS, ESQ. 10 BRAD KLOEWER, ESQ. 11 ZACH BOWMAN, ESQ. 12 13 JACKSON KELLY PLLC 14 Attorneys for Defendant 15 Donald J. Trump for President, Inc. 16 1099 18th Street, Suite 2150 17 Denver, Colorado 80202 18 BY: JOHN ZAKHEM, ESQ. 19 20 CAMARA &amp; SIBLEY, LLP 21 Attorneys for Defendant 22 Rudolph Giuliani 23 1108 Lavaca Street, Suite 110263 24 Austin, Texas 78701 25 BY: JOE SIBLEY, ESQ.</p>	<p>1 2 A P P E A R A N C E S (via Zoom cont'd): 3 4 THE HALL LAW OFFICE, LLC 5 Attorneys for Defendants 6 Joseph Oltmann, FEC United and 7 Shuffling Madness Media, Inc. 8 dba Conservative Daily 9 P.O. BOX 2251 10 Loveland, Colorado 80539 11 BY: ANDREA M. HALL, ESQ. 12 INGRID J. DeFRANCO, ESQ. 13 14 LAW OFFICES OF RANDY B. CORPORON, P.C. 15 Attorneys for Defendants James Hoft 16 and TGP COMMUNICATIONS, LLC 17 dba THE GATEWAY PUNDIT 18 2821 South Parker Road 19 Suite 555 20 Aurora, Colorado 80014 21 BY: RANDY B. CORPORON, ESQ. 22 23 24 25</p>
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<p>1</p> <p>2 A P P E A R A N C E S (via Zoom cont'd):</p> <p>3</p> <p>4 PATTERSON RIPPLINGER, P.C.</p> <p>5 Attorneys for Defendant</p> <p>6 Michelle Malkin</p> <p>7 5613 DTC Parkway</p> <p>8 Suite 400</p> <p>9 Greenwood Village, Colorado 80111</p> <p>10 BY: GORDON A. QUEENAN, ESQ.</p> <p>11</p> <p>12 GORDON REES SCULLY MANSUKHANI, LLP</p> <p>13 Attorneys for Defendant Eric Metaxas</p> <p>14 555 Seventeenth Street</p> <p>15 Suite 3400</p> <p>16 Denver, Colorado 80202</p> <p>17 BY: MARGARET BOEHMER, ESQ.</p> <p>18 THOMAS B. QUINN, ESQ.</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 6</p>	<p>1</p> <p>2 ALSO PRESENT:</p> <p>3 ROBERT BENIMOFF, videographer</p> <p>4</p> <p>5 APPEARING VIA ZOOM:</p> <p>6 REBECCA DOMINGUEZ,</p> <p>7 Veritext Case Manager</p> <p>8 SIDNEY POWELL</p> <p>9 CHANEL RION</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 8</p>
<p>1</p> <p>2 A P P E A R A N C E S (via Zoom cont'd):</p> <p>3</p> <p>4 LATHROP GPM LLP</p> <p>5 Attorneys for Defendant Chanel Rion</p> <p>6 and Herring Networks, Inc.</p> <p>7 dba One America News Network</p> <p>8 1515 Wynkoop Street</p> <p>9 Suite 600</p> <p>10 Denver, Colorado 80202</p> <p>11 BY: BRAD JOHNSON, ESQ.</p> <p>12 STEPHEN K. DEXTER, ESQ.</p> <p>13</p> <p>14 DYMOND • REAGOR, PLLC</p> <p>15 Attorneys for Defending the Republic</p> <p>16 8400 East Prentice Avenue</p> <p>17 Suite 1040</p> <p>18 Greenwood Village, Colorado 80111</p> <p>19 BY: MICHAEL W. REAGOR, ESQ.</p> <p>20 CHRISTOPHER SEERVELD, ESQ.</p> <p>21 ABBIE FRYE, ESQ.</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>Page 7</p>	<p>1</p> <p>2 THE VIDEOGRAPHER: Good morning.</p> <p>3 We're now going on the record at</p> <p>4 approximately 9:25 a.m. on August 14,</p> <p>5 2021.</p> <p>6 Please note that the microphones</p> <p>7 are sensitive and may pick up</p> <p>8 whispering, private conversations and</p> <p>9 cellular interference. Please turn</p> <p>10 off all cell phones or place them away</p> <p>11 from the microphones as they can</p> <p>12 interfere with the deposition audio.</p> <p>13 Audio and video recording will</p> <p>14 continue to take place until all</p> <p>15 parties agree to go off the record.</p> <p>16 This is media unit 1 of the video</p> <p>17 recorded deposition of Rudolph</p> <p>18 Giuliani in the matter of Eric Coomer</p> <p>19 versus Donald J. Trump for President,</p> <p>20 Inc., et al., filed in the District</p> <p>21 Court, Denver County, Colorado, Case</p> <p>22 Number 2020CV34319.</p> <p>23 This deposition is held at</p> <p>24 Giuliani Partners located at 445 Park</p> <p>25 Avenue, New York.</p> <p>Page 9</p>

<p>1 2 My name is Robert Benimoff 3 representing Veritext and I am the 4 videographer. The court reporter is 5 Cathi Irish representing Veritext. 6 I am not authorized to administer 7 an oath. I am not related to any 8 party in this action, nor am I 9 financially interested in the outcome. 10 Counsel and all present in the 11 room and everyone attending remotely 12 will now state their appearances and 13 affiliations for the record, and if 14 there are any objections to 15 proceeding, please state them at the 16 time of your appearance beginning with 17 the noticing attorney. 18 MR. CAIN: In the room, my name 19 is Charlie Cain. My team is with me, 20 Mr. Brad Kloewer, Mr. Steve Skarnulis, 21 Mr. Zach Bowman. 22 MR. SIBLEY: Joe Sibley for Rudy 23 Giuliani, and I don't have an 24 objection to the proceeding but before 25 the deposition, I want to make it</p> <p style="text-align: right;">Page 10</p>	<p>1 2 Republic. 3 MS. DOMINGUEZ: Andrea Hall. 4 Mr. Barry Arrington. Mr. Brad 5 Johnson, Ms. Chanel Rion. 6 Christopher, could you please let 7 me know which firm you're with and 8 your full name? 9 MR. REAGOR: Chris Seerveld is an 10 attorney for Defending the Republic. 11 MR. SIBLEY: Brad Johnson is -- 12 who is Brad Johnson? 13 MR. JOHNSON: I am attorney for 14 OAN and Rion. 15 MR. SIBLEY: Okay, got it. 16 Sorry, there's a lot of lawyers. I 17 can't keep up with everyone. 18 All right, go ahead. 19 MS. HALL: And Rebecca, Ingrid is 20 with my office as well. 21 THE WITNESS: Representing? 22 MR. SIBLEY: Oltmann, that's 23 Oltmann. 24 MS. DOMINGUEZ: Okay, Greg, could 25 you please let me know who you are?</p> <p style="text-align: right;">Page 12</p>
<p>1 2 clear that the only remote 3 participants should either be 4 attorneys in the case or parties in 5 the case, and I would like to ask our 6 court reporting service who is 7 administering the remote proceedings 8 to verify who's been let into the 9 deposition remotely so we can ensure 10 that only the proper parties are here. 11 MR. ZAKHEM: John Zakhem for the 12 Trump campaign. 13 THE WITNESS: Rudolph W. 14 Giuliani. 15 MR. SIBLEY: Can we get Veritext 16 to verify who is here? 17 MS. DOMINGUEZ: We've got 18 Ms. Andrea Hall. Abbie Frye. 19 MR. SIBLEY: Abbie Frye? 20 MS. DOMINGUEZ: Yes. Abbie, can 21 you please let us know which firm 22 you're with? 23 MR. REAGOR: This is Michael 24 Reagor for Defending the Republic. 25 Abbie is an attorney for Defending the</p> <p style="text-align: right;">Page 11</p>	<p>1 2 You're on mute. 3 Okay, I'm going to go ahead and 4 put him in the waiting room right now. 5 Gordon, could you please let me 6 know which firm you're with and your 7 full name, please? 8 MR. QUEENAN: It's in the chat. 9 It's Patterson Rippling and I 10 represent Michelle Malkin. 11 MS. DOMINGUEZ: Thank you. 12 Mr. Corporon, he's with his own 13 firm. 14 Sidney, I believe that's Sidney 15 Powell. 16 Stephen Dexter is with Herring 17 Networks, he represents Herring 18 Networks. 19 Mr. Tom Quinn. Mr. Quinn, which 20 firm are you with, please? 21 MS. BOEHMER: Tom is with Gordon 22 Rees Scully Mansukhani. This is 23 Margaret Boehmer. He and I are 24 counsel for Eric Metaxas. 25 MS. DOMINGUEZ: Thank you.</p> <p style="text-align: right;">Page 13</p>

<p>1 2 And Trey Rogers, can you please 3 let me know which firm you're with? 4 MR. ROGERS: Thomas Rogers with 5 the Recht Kornfeld firm representing 6 the plaintiff. 7 MS. DOMINGUEZ: Thank you. And 8 thank you, Mr. Johnson, for your chat. 9 Everyone is accounted for. 10 THE VIDEOGRAPHER: Is there 11 anyone else or is that it? 12 MS. DOMINGUEZ: That is it. 13 THE VIDEOGRAPHER: Will the court 14 reporter please swear in the witness? 15 RUDOLPH GIULIANI, called 16 as a witness, having been duly sworn 17 by a Notary Public, was examined and 18 testified as follows: 19 EXAMINATION 20 BY MR. CAIN: 21 Q. State your full name, please. 22 A. Rudolph W. Giuliani, 23 G-I-U-L-I-A-N-I. Rudolph William 24 Giuliani. 25 Q. Good morning. How are you doing?</p> <p style="text-align: right;">Page 14</p>	<p>1 GIULIANI 2 is the oldest member of our firm. 3 MR. SKARNULIS: Thanks, Charlie. 4 BY MR. CAIN: 5 Q. Mr. Zach Bowman is sitting next 6 to him to his right. Mr. Bowman was just 7 unanimously voted as a new partner in the 8 law firm. 9 A. Congratulations, Mr. Bowman. 10 MR. BOWMAN: Thank you. 11 BY MR. CAIN: 12 Q. So I wanted to make that 13 announcement. Congratulations. 14 And then you know Mr. Zakhem who 15 is in the corner and your counsel, and 16 then our court reporter, Cathi, and the 17 videographer. 18 A. Who is the daughter-in-law of one 19 of the Yankees' greatest pitchers and one 20 of the greatest pitchers of all time about 21 whom I'm going to tell you a story off the 22 record later. 23 Q. Let's do this, Mr. Giuliani. 24 Let's boogie because we only have about 25 three hours on the record pursuant to the</p> <p style="text-align: right;">Page 16</p>
<p>1 GIULIANI 2 A. I'm doing fine. 3 Q. Thank you for accommodating us on 4 a Saturday morning. 5 A. Thank you for doing it on a 6 Saturday. 7 Q. Let me set the scene for those 8 that aren't here with us. We're in your 9 office; correct? 10 A. Right. 11 Q. It's about 104 degrees in the 12 conference room, give or take. 13 A. We're going to see who faints 14 first. You think you might? 15 Q. We said our names earlier but I 16 wanted you to know who was here for us. 17 A. Please. 18 Q. My name is Charlie Cain. Next to 19 me is Brad Kloewer. He's from Colorado. 20 He heads up our Colorado office. 21 A. Are you from Colorado? 22 Q. I am. 23 A. Okay. 24 Q. Originally from Austin, Texas. 25 Mr. Steve Skarnulis is my law partner. He</p> <p style="text-align: right;">Page 15</p>	<p>1 GIULIANI 2 court order. 3 A. I'm ready to go. 4 Q. You signed an affidavit, I guess 5 technically it's a declaration in this 6 case in support of your anti-SLAPP motion. 7 Are you aware of that? 8 A. I do recall signing it. 9 Q. Let's talk about it. 10 A. Probably would have thought it 11 was an affidavit. 12 Q. Well, they seem to be going to 13 declarations in the COVID period, and I 14 know you've been a lawyer for a long time 15 but let's do our best not to speak over 16 each other so that we don't -- 17 A. We'll do what we can. 18 Q. -- interfere with the court 19 reporter. 20 (Exhibit 98, declaration, marked 21 for identification.) 22 MR. CAIN: Here's a copy of 23 Exhibit 98, and for the crew that's on 24 Zoom, I'm going to load as best I can 25 onto Egnyte the documents that he's</p> <p style="text-align: right;">Page 17</p>

<p>1 GIULIANI</p> <p>2 looking at to the extent that they are</p> <p>3 new. We've already preloaded a</p> <p>4 handful of those documents.</p> <p>5 BY MR. CAIN:</p> <p>6 Q. Mr. Giuliani, what is Exhibit 98?</p> <p>7 A. This is my affidavit and my</p> <p>8 signature at the bottom there.</p> <p>9 Q. And you filed this in support of</p> <p>10 your motion to dismiss this case; right?</p> <p>11 A. Yes, I believe that's what it</p> <p>12 says.</p> <p>13 Q. And in doing so, I take it you</p> <p>14 have tried to be as thorough as possible</p> <p>15 in explaining to the court your</p> <p>16 investigation relating to Dr. Coomer, my</p> <p>17 client?</p> <p>18 MR. SIBLEY: Objection, form.</p> <p>19 BY MR. CAIN:</p> <p>20 Q. Is that a fair statement?</p> <p>21 MR. SIBLEY: Objection, form.</p> <p>22 THE WITNESS: I related what I</p> <p>23 recall as accurately as I could.</p> <p>24 BY MR. CAIN:</p> <p>25 Q. And you stated as much as you</p> <p style="text-align: right;">Page 18</p>	<p>1 GIULIANI</p> <p>2 paragraph 3 by saying at some point during</p> <p>3 our legal team's investigation, I'll stop</p> <p>4 there.</p> <p>5 When you're referring to your</p> <p>6 legal team's investigation, who are you</p> <p>7 referring to?</p> <p>8 A. I'm referring to the lawyers that</p> <p>9 were working on the -- all of the</p> <p>10 allegations of election fraud that had</p> <p>11 come to our attention, both the group that</p> <p>12 was specially put together as counsel to</p> <p>13 the president, as well as the lawyers from</p> <p>14 the campaign who were assisting us.</p> <p>15 Q. Okay. Let's --</p> <p>16 A. So I thought of them as divided</p> <p>17 somewhat into two groups that worked</p> <p>18 together but were still two separate</p> <p>19 groups that did different things as well.</p> <p>20 Q. The crew that you mentioned that</p> <p>21 was counsel to the president, who was on</p> <p>22 that team?</p> <p>23 A. Why don't we say counsel to the</p> <p>24 president personally. On that team,</p> <p>25 myself, Jenna Ellis, Sidney Powell, Joseph</p> <p style="text-align: right;">Page 20</p>
<p>1 GIULIANI</p> <p>2 could recall as accurately as you could</p> <p>3 about your investigation into Dr. Coomer?</p> <p>4 MR. SIBLEY: Objection, form.</p> <p>5 THE WITNESS: Yes.</p> <p>6 BY MR. CAIN:</p> <p>7 Q. Turn to page 2 of your affidavit.</p> <p>8 Looks to me like you've got eight</p> <p>9 paragraphs in this affidavit. The second</p> <p>10 paragraph talks about your status with the</p> <p>11 Trump campaign. I want to focus your</p> <p>12 attention on paragraphs 3 and 4. And as I</p> <p>13 read your affidavit, paragraph 3 and 4 is</p> <p>14 really where you kind of outline the</p> <p>15 investigation into Dr. Coomer. Is that a</p> <p>16 fair statement?</p> <p>17 MR. SIBLEY: Objection, form.</p> <p>18 THE WITNESS: Let me just read</p> <p>19 it.</p> <p>20 (Witness perusing document.)</p> <p>21 I would say it's a very brief</p> <p>22 outline, yes.</p> <p>23 BY MR. CAIN:</p> <p>24 Q. Let's put some meat on the bones</p> <p>25 then if there's more to say. You begin</p> <p style="text-align: right;">Page 19</p>	<p>1 GIULIANI</p> <p>2 diGenova, Victoria Toensing. I'm not sure</p> <p>3 at that point if Christina Bobb was or</p> <p>4 wasn't. She may have been. And I'm</p> <p>5 missing one I know. Boris.</p> <p>6 Q. Boris?</p> <p>7 A. Boris -- Boris, Boris, Boris, I</p> <p>8 can't remember his last name. Boris.</p> <p>9 I'll get you his name.</p> <p>10 Q. Okay.</p> <p>11 A. His status was -- I should</p> <p>12 explain this so it doesn't create any</p> <p>13 confusion. The original press release</p> <p>14 that was put out, Boris's name was not</p> <p>15 included, although it was included in the</p> <p>16 document that was sent over to the White</p> <p>17 House. His name was excluded because the</p> <p>18 president's staff did not think Boris was</p> <p>19 a lawyer. It turned out that Boris was a</p> <p>20 lawyer and therefore we included his name,</p> <p>21 and so there are some press releases that</p> <p>22 have Boris's name and some that do not.</p> <p>23 Boris Epstein, Boris Epstein.</p> <p>24 Q. How about Mr. Eastman, was he</p> <p>25 ever --</p> <p style="text-align: right;">Page 21</p>

1 GIULIANI  
2 A. At this point Mr. Eastman was not  
3 a member of the team.  
4 Q. At some point was he?  
5 A. He was, yes.  
6 Q. When?  
7 A. Remind me of the date. If we're  
8 talking about at the time that we held the  
9 press conference in which Mr. Coomer was  
10 mentioned a few times, I do not believe  
11 that Mr. Eastman was a member of the team.  
12 I don't know exactly when he became a  
13 member of the team but my best  
14 recollection would be sometime in  
15 December.  
16 Q. Do you know the circumstances  
17 surrounding why he came on the team in  
18 December?  
19 A. I do.  
20 Q. What are they?  
21 A. Constitutional issues, very  
22 specific advice about the Constitution of  
23 the United States. He was consulted along  
24 with a number of other -- I don't know the  
25 right way to describe this but along with

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1 GIULIANI  
2 several other constitutional experts.  
3 Q. The group that you identified, I  
4 want to make it crystal clear on the  
5 record, are you saying they were attorneys  
6 for Donald Trump personally or for the  
7 Trump campaign or both?  
8 MR. SIBLEY: Objection, form.  
9 THE WITNESS: My understanding of  
10 it?  
11 BY MR. CAIN:  
12 Q. Yes.  
13 A. They were retained in the  
14 president's personal capacity, represented  
15 him as Donald Trump, the individual which  
16 we had become quite familiar with because  
17 of the impeachment proceedings where he  
18 had government counsel and private  
19 counsel, as most presidents do.  
20 Q. And is there anything that  
21 reflects their retention in that capacity?  
22 A. Certainly the press release from  
23 the president, several. I've seen  
24 internal memos, particularly when they  
25 corrected and added Boris. Beyond that, I

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1 GIULIANI  
2 don't know.  
3 Q. Well, when you -- strike that.  
4 How about the Trump campaign?  
5 The list of folks that you just gave me as  
6 personal counsel to President Trump, how  
7 many of them, if any, were also counsel to  
8 the campaign?  
9 A. I don't know. I don't know, I  
10 couldn't identify. I was, but I couldn't  
11 identify any others that were.  
12 Q. Well, I think --  
13 A. Excuse me. It could be that  
14 Jenna Ellis had previously been counsel to  
15 the campaign and therefore that status may  
16 have just -- that status may have taken  
17 over. Sidney Powell had not been, Boris  
18 had not been, Joe and Vicki Toensing had  
19 not been so the only one that might apply  
20 to is Jenna Ellis.  
21 Q. Can you think of a roster  
22 somewhere that you saw that identified the  
23 legal team, whether they are in the  
24 capacity as the president's lawyers or in  
25 the campaign?

Page 24

1 GIULIANI  
2 A. Oh, you mean like one that says  
3 they are the president's lawyers but not  
4 the campaign?  
5 Q. Yes.  
6 A. No. What I can remember is  
7 seeing documents and it could be the same  
8 document we produced a lot in which the  
9 president's legal team was listed, and as  
10 I said, there are two versions of it, one  
11 with Boris and one without Boris.  
12 Q. So you've stated you were at  
13 least at one point an attorney for the  
14 campaign; correct?  
15 A. Correct.  
16 Q. And you've stated that Ms. Ellis  
17 was also --  
18 A. No, I'm saying I believe she was.  
19 I'm not absolutely certain of that.  
20 Q. Well, when you began the press  
21 conference on November 19th, you stated,  
22 quote, "This is a representative of our  
23 legal team. We're representing President  
24 Trump and we're representing the Trump  
25 campaign. When I finish, Sidney Powell

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<p>1 GIULIANI 2 and then Jenna Ellis will follow me." 3 So at the time of the press 4 conference, it's fair to say that you 5 identified both Sidney Powell and Jenna 6 Ellis as representatives of the campaign? 7 MR. SIBLEY: Objection, form. 8 THE WITNESS: Well, if I did, I 9 should correct that. I probably 10 should have stopped short with Jenna 11 Ellis. I do not believe that Sidney 12 Powell was ever counsel to the 13 campaign. 14 BY MR. CAIN: 15 Q. Then why did you say she was? 16 A. I don't know. Maybe just 17 speaking too loosely, too generally, maybe 18 I hadn't thought about the technical 19 distinction at the time but I have no 20 reason to believe she was counsel to the 21 campaign. 22 Q. Do you know whether the 23 campaign -- 24 A. I never saw her on a list. The 25 thing I'm relying on is the list that I</p> <p style="text-align: right;">Page 26</p>	<p>1 GIULIANI 2 the campaign, go tell them you're in 3 charge. 4 MR. SIBLEY: I just want to 5 instruct the witness, don't reveal any 6 attorney/client privileged 7 communications. So if it relates to 8 legal advice, don't disclose it. If 9 it relates to logistics -- 10 THE WITNESS: This is a statement 11 he made. 12 MR. SIBLEY: It doesn't matter if 13 he made the statement. Don't disclose 14 it if it's attorney/client privilege, 15 only if it relates to the logistics of 16 how you were retained and became 17 attorney. 18 THE WITNESS: I will be very 19 careful. He said go over and tell 20 them you're in charge, it's got to be 21 straightened out. And I said, 22 Mr. President, it would help if you 23 called over and made that point also, 24 and he said I will, and that was the 25 conversation with the president</p> <p style="text-align: right;">Page 28</p>
<p>1 GIULIANI 2 saw and her name was never on that list. 3 Q. Do you know if she was ever paid 4 to represent the campaign? 5 A. I do not. 6 Q. Were you ever paid to represent 7 the campaign? 8 A. I was not. I was reimbursed for 9 my expenses. 10 Q. Why were you representing the 11 campaign for no compensation? 12 A. The president -- the president 13 ordered me to do it. 14 Q. When did that occur? 15 A. The election was January 3rd. If 16 you don't mind, I'll recreate. The 17 election was January 3rd. That would have 18 been on the 4th or the 5th. 19 Q. I think you misspoke. 20 A. Did I say January? November 3rd. 21 November 4th and November 5th we're 22 talking about. Either on the 4th or the 23 5th, I believe it was the 4th, the 24 president said in the Oval Office, I want 25 you to go over and take over -- take over</p> <p style="text-align: right;">Page 27</p>	<p>1 GIULIANI 2 without going into the rest of the 3 conversation which I believe would be 4 privileged. 5 BY MR. CAIN: 6 Q. Okay. Who did you take over for? 7 A. Well, I certainly took over for 8 the chief counsel. 9 Q. Which was? 10 A. Justin Clark. It's a little 11 ambiguous as to whether or not the 12 president was saying I was taking over the 13 campaign or I was taking over the legal 14 aspect of the campaign. 15 Q. Who was the director of the -- 16 A. Bill Stepien was the director of 17 the campaign. Coincidentally Bill worked 18 on my campaign. I knew Bill quite well. 19 And so I interpreted it as I'm taking over 20 the legal, Bill is still running the 21 campaign. 22 Q. Okay. Did you physically move 23 into the campaign offices for a period of 24 time? 25 A. I did. Yes, I went over and</p> <p style="text-align: right;">Page 29</p>

<p>1 GIULIANI</p> <p>2 moved in there and I also had a separate</p> <p>3 office, both.</p> <p>4 Q. As far as the legal team that</p> <p>5 moved in there with you, let's see if we</p> <p>6 can talk about that.</p> <p>7 Who was at the campaign</p> <p>8 headquarters with you working as part of</p> <p>9 the legal team?</p> <p>10 A. Jenna Ellis virtually all the</p> <p>11 time. She was probably there the most</p> <p>12 often. Joe and Vicki Toensing a little</p> <p>13 less but they are very way beyond 9 to 5.</p> <p>14 Boris tended to operate out of his own</p> <p>15 office but came there three, four times a</p> <p>16 day. Then we were quickly joined by</p> <p>17 Christina Bobb, and I think by the time of</p> <p>18 the press conference she was already part</p> <p>19 of the -- had been approved as part of the</p> <p>20 legal team.</p> <p>21 Those would be the lawyers. We</p> <p>22 acquired very quickly some paralegals and</p> <p>23 assistants and some researchers but I</p> <p>24 didn't keep track of that. Boris and</p> <p>25 Jenna did.</p> <p style="text-align: right;">Page 30</p>	<p>1 GIULIANI</p> <p>2 MR. CAIN: He's mic'd up so you</p> <p>3 can't do this here.</p> <p>4 THE VIDEOGRAPHER: Does counsel</p> <p>5 agree to go off the record?</p> <p>6 MR. CAIN: Yes.</p> <p>7 THE VIDEOGRAPHER: Going off the</p> <p>8 record at approximately 9:50.</p> <p>9 (Witness conferring with</p> <p>10 Counsel.)</p> <p>11 THE VIDEOGRAPHER: We're back on</p> <p>12 the record at approximately 9:54 a.m.</p> <p>13 MR. CAIN: Counsel, are you</p> <p>14 asserting a privilege on the answer to</p> <p>15 that question?</p> <p>16 MR. SIBLEY: No, sir.</p> <p>17 BY MR. CAIN:</p> <p>18 Q. All right.</p> <p>19 A. So the only way I would be able</p> <p>20 to answer that question correctly is if</p> <p>21 you showed me a list of the people in the</p> <p>22 communications office and then that would</p> <p>23 refresh my recollection as to who the</p> <p>24 person selected, but I don't recall</p> <p>25 exactly who was selected, and the part</p> <p style="text-align: right;">Page 32</p>
<p>1 GIULIANI</p> <p>2 Q. Gotcha.</p> <p>3 A. I knew who they were but most of</p> <p>4 them I didn't hire. They did. I just</p> <p>5 approved it.</p> <p>6 Q. Do you know when you moved in</p> <p>7 physically who the director of</p> <p>8 communications was for the campaign?</p> <p>9 A. Oh, sure. The director of</p> <p>10 communications was a friend of mine. It</p> <p>11 was -- oh, I better be sure. I assume the</p> <p>12 director -- maybe you'd better refresh my</p> <p>13 recollection. I don't want to misspeak as</p> <p>14 to who the official director of</p> <p>15 communications was.</p> <p>16 Q. That's why we're asking.</p> <p>17 A. Oh, you don't know either. There</p> <p>18 seems to have been a lot of directors of</p> <p>19 communications.</p> <p>20 Is it all right if I consult with</p> <p>21 my counsel? Is it possible?</p> <p>22 MR. SIBLEY: Unless it's</p> <p>23 privileged, Rudy --</p> <p>24 THE WITNESS: It's possibly an</p> <p>25 issue of privilege.</p> <p style="text-align: right;">Page 31</p>	<p>1 GIULIANI</p> <p>2 that's privileged is there was</p> <p>3 considerable conversation about that part</p> <p>4 that is privileged.</p> <p>5 Q. Well, I didn't come with a handy</p> <p>6 dandy org chart of the campaign so I can't</p> <p>7 help you there. The name Jim Murtaugh</p> <p>8 comes to mind.</p> <p>9 A. Jim was not given to us as the</p> <p>10 director of communications for our team,</p> <p>11 no, but he was one of the people in that</p> <p>12 large group of people that was a spokesman</p> <p>13 for the campaign and the election effort</p> <p>14 but not the one assigned to us.</p> <p>15 Q. Okay. Who was assigned to you?</p> <p>16 A. That's the problem, okay.</p> <p>17 Q. Okay. Well, we'll --</p> <p>18 A. I can get it for you during the</p> <p>19 break by just making a call.</p> <p>20 Q. We'll do that at a break.</p> <p>21 A. It's not a big deal. I just want</p> <p>22 to be accurate because of the sensitivity</p> <p>23 of the conversation.</p> <p>24 Q. I understand completely.</p> <p>25 A. All right.</p> <p style="text-align: right;">Page 33</p>

<p>1 GIULIANI</p> <p>2 Q. So let's do this, I guess. Let's</p> <p>3 talk through your affidavit a little bit</p> <p>4 more and then we can go on to another</p> <p>5 topic.</p> <p>6 All right, so when we went down</p> <p>7 this rabbit trail, we were talking about</p> <p>8 who the legal team was that you referred</p> <p>9 to. In paragraph 3, and I'll just read it</p> <p>10 for the record since it's short, you say,</p> <p>11 "At some point during our legal team's</p> <p>12 investigation into the election (which</p> <p>13 included voting security issues with</p> <p>14 Dominion and Dominion's history with</p> <p>15 Smartmatic) we" -- I assume you're</p> <p>16 referring to the team there.</p> <p>17 A. Yes, sir.</p> <p>18 Q. -- "became aware of media reports</p> <p>19 circulating regarding Coomer and</p> <p>20 allegations that he had been overheard</p> <p>21 telling a radical leftist group words to</p> <p>22 the effect that he had ensured that Trump</p> <p>23 would lose the election."</p> <p>24 All right, let's talk about that</p> <p>25 sentence.</p> <p style="text-align: right;">Page 34</p>	<p>1 GIULIANI</p> <p>2 when you got this information, where you</p> <p>3 were and when this was and who gave it to</p> <p>4 you? That's a three-part question but if</p> <p>5 you're okay with it, I'll --</p> <p>6 A. I'll try. The answer is I'm not</p> <p>7 exactly sure. The conversation took place</p> <p>8 maybe two or three times. There was</p> <p>9 definitely a conversation in the campaign</p> <p>10 headquarters conference room about it.</p> <p>11 Could have been one also in my own office.</p> <p>12 Q. Is that the one -- this office</p> <p>13 we're sitting in?</p> <p>14 A. No, no, the office I had in</p> <p>15 Washington. Maybe I should describe the</p> <p>16 setup.</p> <p>17 Q. Let's do that.</p> <p>18 A. So I have been representing the</p> <p>19 president for a year and a half as his</p> <p>20 counsel for the various impeachments, as</p> <p>21 his personal counsel with Jay Sekulow and</p> <p>22 I had an office then in Jay's office on</p> <p>23 the Hill. I also had my own office which</p> <p>24 I set up at the Trump Hotel so that sort</p> <p>25 of became my Washington office. So when I</p> <p style="text-align: right;">Page 36</p>
<p>1 GIULIANI</p> <p>2 You say that we, meaning the</p> <p>3 team, became aware of media reports.</p> <p>4 Mr. Giuliani, which media reports are you</p> <p>5 talking about?</p> <p>6 A. They would be online -- online</p> <p>7 publications that someone else on the team</p> <p>8 would bring to me and show me and say --</p> <p>9 this is probably the first time I heard</p> <p>10 Mr. Coomer's name -- that this gentleman</p> <p>11 named Eric Coomer is -- it says in this</p> <p>12 article that he had a relationship with</p> <p>13 Antifa and according to the report, he had</p> <p>14 overheard, and at this point it might have</p> <p>15 been hazier than it eventually became,</p> <p>16 that he had said something about ensuring</p> <p>17 that Trump would be -- assuring these</p> <p>18 people that Trump would be defeated before</p> <p>19 -- it was a statement made before the</p> <p>20 election according to the way it was</p> <p>21 related to me.</p> <p>22 Q. Okay. Let's try to go back in</p> <p>23 your mind's eye and recall the specific</p> <p>24 events.</p> <p>25 Do you remember where you were</p> <p style="text-align: right;">Page 35</p>	<p>1 GIULIANI</p> <p>2 took over this role, I originally was just</p> <p>3 going to continue as his personal lawyer</p> <p>4 like I had been before so I set up my</p> <p>5 office at the Trump Hotel again. So that</p> <p>6 was one office, and then the other was</p> <p>7 when he told me to go over to the campaign</p> <p>8 office, the campaign office so I would</p> <p>9 have meetings in both places.</p> <p>10 Eventually the Trump Hotel, we</p> <p>11 moved to the Oriental, Mandarin Oriental</p> <p>12 Hotel and got a suite of offices there and</p> <p>13 toward the very end, we moved for a short</p> <p>14 period to the -- I've forgotten, it was in</p> <p>15 town, it was an old established Washington</p> <p>16 hotel on Pennsylvania Avenue. That was</p> <p>17 just a short time, we were there maybe</p> <p>18 three weeks, four weeks. Most of the time</p> <p>19 we were at the Trump Hotel or the Mandarin</p> <p>20 Oriental.</p> <p>21 Q. Well, let's bookend your</p> <p>22 representation times because you said in</p> <p>23 the first part of your response that you</p> <p>24 had started to represent President Trump</p> <p>25 about a year and a half ago.</p> <p style="text-align: right;">Page 37</p>

<p>1 GIULIANI</p> <p>2 A. Sure, it was in April, May 2019.</p> <p>3 Q. Okay. When was the last time</p> <p>4 that you performed legal services for</p> <p>5 either President Trump in his personal</p> <p>6 capacity or the campaign?</p> <p>7 A. Probably February.</p> <p>8 Q. Of this year?</p> <p>9 A. Um-hum.</p> <p>10 Q. Is that a yes?</p> <p>11 A. Possibly March, February or</p> <p>12 March.</p> <p>13 Q. Of this year?</p> <p>14 A. I'm sorry, yes, this year.</p> <p>15 Q. You said um-hum which can be</p> <p>16 ambiguous.</p> <p>17 A. I'm sorry, I didn't mean to.</p> <p>18 Q. That's all right.</p> <p>19 A. I just can't -- I can't -- I</p> <p>20 would interpret that to mean he asked me</p> <p>21 legal questions and I gave him advice.</p> <p>22 Last time I can remember doing that, the</p> <p>23 latest would be March of this year.</p> <p>24 Q. Okay. So here's what I'm -- the</p> <p>25 object of the --</p> <p style="text-align: right;">Page 38</p>	<p>1 GIULIANI</p> <p>2 remember learning about Dr. Coomer before</p> <p>3 you went to the press conference on</p> <p>4 November 19th. What we were talking about</p> <p>5 was the online material or media reports</p> <p>6 as you say in your affidavit -- excuse me,</p> <p>7 declaration, and then we started talking</p> <p>8 about office space.</p> <p>9 A. Where it was, yeah.</p> <p>10 Q. So can you think of,</p> <p>11 Mr. Giuliani, as you sit here, what media</p> <p>12 reports you remember seeing, either an</p> <p>13 article or a media, any kind of statement?</p> <p>14 A. I can remember seeing what I</p> <p>15 would call online media, meaning --</p> <p>16 meaning not the Washington Post or The New</p> <p>17 York Times or the New York Post or NBC,</p> <p>18 CBS. More like -- not necessarily them</p> <p>19 but more like The Daily Caller or that</p> <p>20 category, Breitbart. So it was brought to</p> <p>21 my attention that there was a media</p> <p>22 report, maybe two, that there was a guy</p> <p>23 who worked for Dominion that was -- had a</p> <p>24 history of being very anti-Trump and that</p> <p>25 in a conversation that was overheard with</p> <p style="text-align: right;">Page 40</p>
<p>1 GIULIANI</p> <p>2 A. May I say, I still give him</p> <p>3 political advice so a week ago I met with</p> <p>4 him and we discussed politics. So</p> <p>5 sometimes it's hard to know which hat I'm</p> <p>6 wearing but I don't think I've worn the</p> <p>7 legal hat since March of 2019.</p> <p>8 Q. Before I get off of office space,</p> <p>9 I wasn't anticipating that line of</p> <p>10 questioning, did you have offices at the</p> <p>11 Willard Hotel?</p> <p>12 A. That was it, the Willard Hotel,</p> <p>13 yes, and that was -- we actually for a</p> <p>14 short time were at the Willard Hotel for</p> <p>15 some logistical reason but at the end of</p> <p>16 our representation, as we were getting</p> <p>17 closer to the inauguration, I believe it</p> <p>18 was sometime after Christmas we moved to</p> <p>19 the Willard Hotel. We moved from the</p> <p>20 Mandarin Oriental to the Willard Hotel,</p> <p>21 and a lot of this got determined based on</p> <p>22 COVID.</p> <p>23 Q. So let me restate what I was</p> <p>24 about to say. The object of my line of</p> <p>25 questioning is to find out what you</p> <p style="text-align: right;">Page 39</p>	<p>1 GIULIANI</p> <p>2 Antifa members, he made this statement</p> <p>3 before the election that the election was</p> <p>4 fixed, and I said have we run it down and</p> <p>5 the answer was no, but I'll get back to</p> <p>6 you.</p> <p>7 Q. Who was supposed to get back to</p> <p>8 you?</p> <p>9 A. Phil Waldron was the one who was</p> <p>10 supposed to get back to me. That</p> <p>11 conversation I just described could have</p> <p>12 been with Phil or one of his people and I</p> <p>13 told them give Phil the action to do it,</p> <p>14 but I definitely discussed it during that</p> <p>15 very brief period with Phil and then one</p> <p>16 of the people who worked for Phil. I</p> <p>17 don't remember which one.</p> <p>18 Q. I see. Did he get back to you?</p> <p>19 A. He did, yeah.</p> <p>20 Q. What did he get back to you with?</p> <p>21 A. I can't tell you the timing for</p> <p>22 sure, how fast it was or whatever, this</p> <p>23 was not by any means the focus what I was</p> <p>24 doing at the time. I was focusing really</p> <p>25 on the Philadelphia case and on the</p> <p style="text-align: right;">Page 41</p>

1 GIULIANI  
2 Michigan case because I was writing,  
3 working with Phil Hearn on the draft of  
4 that case so this was like an interruption  
5 to what I was doing, just so you  
6 appreciate that it wasn't main point of  
7 what I was doing.  
8 He would come back to me at  
9 various times with many, many things and  
10 in it he said -- he said at some point  
11 Coomer came up, he said we have a -- we've  
12 got this -- there's a witness now, there's  
13 a witness now that says -- there's an  
14 identifiable witness who says this  
15 conversation took place before the  
16 election. He said this guy Coomer --  
17 sometimes I go and look myself online when  
18 stuff comes up. This time I didn't have  
19 the time to do it. I was virtually  
20 working 22 hours a day. But he had. He  
21 said this guy, you're not going to find  
22 anything right now because they took down  
23 a lot of his media, a lot of his social  
24 media stuff, and it looks like Dominion is  
25 trying to hide him but either he or -- he

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1 GIULIANI  
2 said some people captured a good deal of  
3 what he had been posting and it's awful.  
4 He said there's really all kinds of crazy  
5 S-H-I-T. I said like what? Things like  
6 he has to be removed, things suggesting  
7 he's crazy. I said any violence? He said  
8 you'd have to really interpret that, you  
9 would know that better than I would.  
10 I have been a United States  
11 attorney, Associate Attorney General and I  
12 did a fair number of threats on the  
13 president cases, meaning I handled the  
14 Hinckley case.  
15 And I said okay, see if you can  
16 get me something. We'll take a look at it  
17 but he said I think the guy is gone now, I  
18 think they are burying him. By burying  
19 him, he didn't mean killing him.  
20 Q. I get your point.  
21 A. He meant putting him under the  
22 rug, and I'll see what I can get you.  
23 I should emphasize this was a  
24 very, very small part of the conversation  
25 and that's why I have trouble locating

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1 GIULIANI  
2 exactly when it was. Maybe in the day  
3 that he talked to me about this, this took  
4 up maybe four minutes of the 20 hours I  
5 was working.  
6 So before we get to the point  
7 that I made the statement, he and several  
8 others, people who work with him,  
9 combination of at least him, another  
10 person, could have been a third person  
11 that worked for him, on my side maybe  
12 Bernie Kerik could be part of this, would  
13 have been somebody like Bernie Kerik.  
14 Q. Last name?  
15 A. K-E-R-I-K. He was the former  
16 New York City police commissioner and he  
17 was working as part of the investigatory  
18 team because from the time this first  
19 started until now, the team had expanded  
20 quite a bit, not with regard to lawyers  
21 but with regard to paralegals and  
22 investigators.  
23 Q. All right, Mr. Giuliani, you  
24 mentioned, I just want to make sure I got  
25 the last name, Phil Waldron is the --

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1 GIULIANI  
2 A. Colonel Phil Waldron,  
3 W-A-L-D-R-O-N.  
4 Q. And that's the four-minute  
5 conversation that you described?  
6 A. Roughly.  
7 Q. And he is with a group called  
8 ASOG; right?  
9 A. Yes, yes, that's right.  
10 Q. And since we're talking about  
11 time, how much Coomer time do you think  
12 you actually spent?  
13 A. If I was going to bill it?  
14 Q. Yeah, if you had to send a bill,  
15 I know you didn't send a bill to the  
16 campaign but if you had an invoice for  
17 Coomer time, how much Coomer time do you  
18 think you had?  
19 A. Before the press conference, gosh  
20 almighty, I bet it's not an hour. You  
21 would have to do one of those things  
22 lawyers hate to do, you would have to take  
23 like three minutes here, two minutes here,  
24 five minutes here, two minutes here and  
25 then what does that equal.

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<p>1 GIULIANI</p> <p>2 Q. Right.</p> <p>3 A. It wasn't like a sustained</p> <p>4 15-minute conversation until we get right</p> <p>5 up to the time of the press conference.</p> <p>6 Q. So again, we got far down the</p> <p>7 road because I was asking you about media</p> <p>8 reports and I think you've described what</p> <p>9 you remember about the media reports you</p> <p>10 saw; right?</p> <p>11 A. They are not like a big distinct</p> <p>12 recollection. I recall better being told</p> <p>13 than actually seeing.</p> <p>14 Q. Right.</p> <p>15 A. I remember being told. He was</p> <p>16 holding a piece of paper. I'm not even</p> <p>17 sure I read it. He held a piece of paper</p> <p>18 and he recited it to me. I may have read</p> <p>19 it.</p> <p>20 Q. And the "he" is Mr. Waldron?</p> <p>21 A. Mr. Waldron, accompanied by one</p> <p>22 of his aides, I think, and he made that</p> <p>23 statement I told you and he said it, it's</p> <p>24 being covered in the media, definitely</p> <p>25 referred to one, he may have referred to</p> <p style="text-align: right;">Page 46</p>	<p>1 GIULIANI</p> <p>2 doing and learning about Dr. Coomer before</p> <p>3 the press conference?</p> <p>4 A. No. We talked about everything I</p> <p>5 learned before we actually got to the</p> <p>6 point of preparing for the press</p> <p>7 conference.</p> <p>8 Q. Okay. So finish the rest of the</p> <p>9 story then for us.</p> <p>10 A. So after being alerted to the</p> <p>11 fact that there were these news reports,</p> <p>12 Phil, some of his staff and at some point</p> <p>13 Sidney Powell -- let's separate.</p> <p>14 Phil and his staff are almost</p> <p>15 interchangeable in terms of what they said</p> <p>16 to me. They had more detail about what it</p> <p>17 was. It was a conversation that a</p> <p>18 gentleman had listened into, had a --</p> <p>19 purported to have a tape of some, if not</p> <p>20 all, of the conversation. I don't know if</p> <p>21 it's a complete recording or an excerpt</p> <p>22 recording and in the conversation, Coomer</p> <p>23 says something to the effect of don't</p> <p>24 worry, the election against F-ing Trump is</p> <p>25 fixed, taken care of, we figured it out,</p> <p style="text-align: right;">Page 48</p>
<p>1 GIULIANI</p> <p>2 two.</p> <p>3 Q. Do you have any Coomer time on</p> <p>4 your hypothetical bill post the November</p> <p>5 19th press release?</p> <p>6 A. Sure. Again very small amount.</p> <p>7 Q. Okay.</p> <p>8 A. Coomer's name would come up</p> <p>9 occasionally, sure.</p> <p>10 Q. Can you estimate what your bill</p> <p>11 would be?</p> <p>12 A. Gosh almighty, I can't. We would</p> <p>13 have to go through it separately. I'm</p> <p>14 pretty comfortable with pre -- pre press</p> <p>15 conference we spent, if we include</p> <p>16 preparing for the press conference, the</p> <p>17 max would be about an hour and a half in</p> <p>18 different segments, maybe two.</p> <p>19 Q. Is it fair to say that you were</p> <p>20 -- prior to the press conference, the</p> <p>21 majority of your time by far was taken up</p> <p>22 by issues other than Dr. Eric Coomer?</p> <p>23 A. Oh, absolutely.</p> <p>24 Q. Now, in terms of -- have we</p> <p>25 talked about sort of all you can remember</p> <p style="text-align: right;">Page 47</p>	<p>1 GIULIANI</p> <p>2 words to that effect.</p> <p>3 He said that there's a person who</p> <p>4 taped this, a person who had additional</p> <p>5 information about meetings of this group</p> <p>6 in which this was discussed. And there</p> <p>7 were a couple of -- couple of witnesses, I</p> <p>8 believe he said this -- this is a faint</p> <p>9 recollection rather than a solid one. I</p> <p>10 think he said there were some people who</p> <p>11 could corroborate that.</p> <p>12 I said what does that mean,</p> <p>13 people who helped him with the logistics</p> <p>14 of this and getting this done. He didn't</p> <p>15 say it, I imagine what he meant by that</p> <p>16 was getting wired, getting into the</p> <p>17 meeting, getting into the telephone</p> <p>18 conversation, wiring it. That's I think</p> <p>19 that's what he meant. And I said how many</p> <p>20 people have heard this and he said I don't</p> <p>21 know. More than one but I don't think</p> <p>22 it's permeated.</p> <p>23 Q. And you're using pronouns. I</p> <p>24 want to make sure that --</p> <p>25 A. Pronouns are very --</p> <p style="text-align: right;">Page 49</p>

<p>1 GIULIANI</p> <p>2 Q. You said he --</p> <p>3 A. -- very controversial now.</p> <p>4 Q. I take your point. In this</p> <p>5 respect, "he" meant whom? You said he was</p> <p>6 telling you this information.</p> <p>7 A. He was Phil.</p> <p>8 Q. That's what I thought you meant.</p> <p>9 A. Every once in a while somebody</p> <p>10 else would interrupt for Phil, but I</p> <p>11 always took it as coming from Phil. If</p> <p>12 the person said it in front of Phil, I had</p> <p>13 no reason to believe Phil wasn't</p> <p>14 supporting it. There were times, not in</p> <p>15 this case, when somebody would say</p> <p>16 something in front of Phil and he'd say</p> <p>17 that's not right or that's not correct.</p> <p>18 Q. Was Phil working with Josh</p> <p>19 Merritt or Russ Ramsland at that point?</p> <p>20 A. I know he was doing some work</p> <p>21 with Russ. I don't know about the other</p> <p>22 gentleman.</p> <p>23 Q. All right. So have you completed</p> <p>24 your recollection of the --</p> <p>25 A. No, he showed me -- he then</p> <p style="text-align: right;">Page 50</p>	<p>1 GIULIANI</p> <p>2 let's say his staff told me that this</p> <p>3 gentleman had wired a telephone call with</p> <p>4 Antifa people, I don't know if it was</p> <p>5 exclusively Antifa people or it included</p> <p>6 Antifa people, that during the telephone</p> <p>7 call, he had said don't worry, we fixed</p> <p>8 the election against F-ing Trump. Made a</p> <p>9 couple of other derogatory comments about</p> <p>10 Trump that I can't recall right now, and</p> <p>11 he said that he also had found or either</p> <p>12 he or someone else had been able to</p> <p>13 recapture, I don't know if it was all but</p> <p>14 a good deal of the social postings that</p> <p>15 had been taken down and he had copies,</p> <p>16 paper copies of them and he showed them to</p> <p>17 me, and I read through them very, very</p> <p>18 quickly, and they sort of fit into a</p> <p>19 category of social postings of people.</p> <p>20 And I have been dealing with this for the</p> <p>21 president for quite some time as his</p> <p>22 personal lawyer, largely because I had</p> <p>23 that experience with both Reagan and</p> <p>24 Trump, and kind of separating out the ones</p> <p>25 that were bad and ones that the were</p> <p style="text-align: right;">Page 52</p>
<p>1 GIULIANI</p> <p>2 showed me either in that meeting or one</p> <p>3 very shortly -- slow me down. I tend to</p> <p>4 talk very fast. I am from New York. It's</p> <p>5 not on purpose, I assure you. If you just</p> <p>6 go like that or put up a card and say slow</p> <p>7 down.</p> <p>8 Q. And I'm originally from Texas.</p> <p>9 A. So you talk real slow.</p> <p>10 Q. It's a dangerous --</p> <p>11 A. I was part of Bracewell Giuliani</p> <p>12 for 10 years and we needed an interpreter.</p> <p>13 Q. I know, you and Houston didn't</p> <p>14 mix, I don't think.</p> <p>15 A. Well, Houston Houston.</p> <p>16 Q. Let's focus back on the case.</p> <p>17 A. Okay, we'll try.</p> <p>18 Q. I interrupted you when you were</p> <p>19 responding to the question which was what</p> <p>20 else do you recall learning about</p> <p>21 Dr. Coomer prior to the press conference?</p> <p>22 A. So there was a point, either</p> <p>23 during this meeting or maybe there were</p> <p>24 two or three meetings leading up to the</p> <p>25 press conference in which Phil and his --</p> <p style="text-align: right;">Page 51</p>	<p>1 GIULIANI</p> <p>2 serious and the ones that maybe the Secret</p> <p>3 Service wasn't taking seriously enough, so</p> <p>4 I read them and they concerned me. They</p> <p>5 seemed to be over the top, they are very</p> <p>6 nasty, they are very mean.</p> <p>7 And I said -- I probably made</p> <p>8 some conclusory comment like this guy's</p> <p>9 got a real problem, this guy's got a real</p> <p>10 head problem. He seems obsessed with</p> <p>11 Trump. It's never good.</p> <p>12 They may have said do you think</p> <p>13 this amounts to a threat on the president?</p> <p>14 I said it's close to the line but I don't</p> <p>15 think -- I don't know. I don't know their</p> <p>16 stand in that. There would be a period of</p> <p>17 time in which this probably would. The</p> <p>18 standard tends to change based on how</p> <p>19 close are we to an attempt or an</p> <p>20 assassination. The closer we are to an</p> <p>21 attempt or an assassination, almost</p> <p>22 anything will be read as serious. The</p> <p>23 further we get out, it becomes less rigid.</p> <p>24 I had no idea how they were interpreting</p> <p>25 it at this time. Could somebody have</p> <p style="text-align: right;">Page 53</p>

<p>1 GIULIANI</p> <p>2 interpreted it as we should go visit him</p> <p>3 and tell him to calm down? Maybe, but in</p> <p>4 any event, it showed you that he had an</p> <p>5 extreme -- whoever wrote these things had</p> <p>6 an extreme bias against Donald Trump.</p> <p>7 Q. And you came to that conclusion</p> <p>8 during this discussion with Mr. Waldron</p> <p>9 that you just recounted?</p> <p>10 A. Certainly by then. The people I</p> <p>11 can remember the distinct conversations</p> <p>12 about Colonel Waldron are -- about Coomer</p> <p>13 are Colonel Waldron, his staff, Sidney</p> <p>14 Powell, and then conversations with Jane</p> <p>15 and Boris but not any more information</p> <p>16 from them but conversations assessing what</p> <p>17 we had been told.</p> <p>18 Q. Okay. So as I'm --</p> <p>19 A. Could I get more water? Anybody?</p> <p>20 Q. As I'm hearing your testimony, in</p> <p>21 terms of eyes on information about</p> <p>22 Dr. Coomer, we've got some media reports</p> <p>23 that you generally described and then you</p> <p>24 looked at some Facebook postings that you</p> <p>25 described?</p> <p style="text-align: right;">Page 54</p>	<p>1 GIULIANI</p> <p>2 A. We're okay with that?</p> <p>3 MR. SIBLEY: If you can answer,</p> <p>4 yeah.</p> <p>5 THE WITNESS: I can answer it.</p> <p>6 Hypothetically. And also this is what</p> <p>7 I think I would do. You never know</p> <p>8 what you really will do.</p> <p>9 BY MR. CAIN:</p> <p>10 Q. Right.</p> <p>11 A. I think what I would have done is</p> <p>12 I would have initiated a preliminary</p> <p>13 investigation and tried to find out more</p> <p>14 about him and about the people he was</p> <p>15 with, and usually that culminates, if it</p> <p>16 doesn't culminate in an arrest because you</p> <p>17 don't find even more incriminating</p> <p>18 evidence, it usually culminates in a visit</p> <p>19 with him basically telling him what are</p> <p>20 you doing. If you come to the conclusion</p> <p>21 that he's spouting off and out of control,</p> <p>22 if he's spouting off and not an imminent</p> <p>23 threat, it's very, very common for the</p> <p>24 Secret Service to visit the person, show</p> <p>25 him this stuff and say we're looking at</p> <p style="text-align: right;">Page 56</p>
<p>1 GIULIANI</p> <p>2 A. I don't remember if it was</p> <p>3 Facebook. Those social media posts get</p> <p>4 all one to me.</p> <p>5 Q. I apologize.</p> <p>6 A. Facebook, Instagram, Twitter.</p> <p>7 Q. Social media postings.</p> <p>8 A. I think it was Facebook.</p> <p>9 Q. Anything else that you laid eyes</p> <p>10 on?</p> <p>11 A. Right now, I can't recall</p> <p>12 anything else that I laid eyes on.</p> <p>13 Q. So you mentioned obviously you</p> <p>14 were a former prosecutor. If you were</p> <p>15 back in the day of prosecuting crimes and</p> <p>16 you had this fact scenario come up where</p> <p>17 you had an individual who allegedly made a</p> <p>18 statement on a conference call or some</p> <p>19 sort of similar situation and you had</p> <p>20 other folks that were listening in on that</p> <p>21 call, how would you go about actually</p> <p>22 investigating if that occurred or not?</p> <p>23 A. First I'd want to -- hey, this</p> <p>24 is -- this is hypothetical now.</p> <p>25 Q. It is.</p> <p style="text-align: right;">Page 55</p>	<p>1 GIULIANI</p> <p>2 you, it calms them down.</p> <p>3 Did this rise to that level? To</p> <p>4 tell you the truth, I can't honestly tell</p> <p>5 you. It was right at the -- here's a real</p> <p>6 lawyer's answer. A reasonable Secret</p> <p>7 Service agent could refer it or not. I</p> <p>8 wouldn't say that somebody who didn't</p> <p>9 refer it was acting irresponsibly, I</p> <p>10 wouldn't say that somebody who did. It</p> <p>11 was almost a gut instinct. I think maybe</p> <p>12 what would have gotten me to do it at that</p> <p>13 point was it was a very volatile period we</p> <p>14 were in. There was a lot of anger out</p> <p>15 there and just exactly the time you don't</p> <p>16 want statements like this hanging out</p> <p>17 there.</p> <p>18 Q. Well, in this context, what you</p> <p>19 said in the press conference, and we'll</p> <p>20 look at it if we have time, you repeated</p> <p>21 that Dr. Coomer said don't worry about it,</p> <p>22 I fixed the election or I rigged the</p> <p>23 election; right?</p> <p>24 MR. SIBLEY: Objection, form.</p> <p>25 MR. CAIN: Is that a yes?</p> <p style="text-align: right;">Page 57</p>



1 GIULIANI  
2 MR. SIBLEY: Objection, form.  
3 THE WITNESS: I believe so. I  
4 would have to go back and look, but I  
5 think that's what I said.  
6 BY MR. CAIN:  
7 Q. Words to that effect?  
8 A. Pretty much. He said other  
9 things but that's what I remember.  
10 Q. And if, in fact, he had done  
11 that, if he actually had acted on that,  
12 that would have been a crime?  
13 A. Yes, that would -- if -- sure, it  
14 would have been a crime but the main thing  
15 is I don't remember -- I don't remember  
16 the pronoun here, did I say we, did he say  
17 we or I. I tend to have thought of it as  
18 we. I mean I never had the notion that  
19 Coomer all by himself did it. I don't  
20 think anybody all by themselves could do  
21 it. I thought he was talking about  
22 Dominion did it, his company.  
23 Q. I see.  
24 A. Exactly what role he had, nobody  
25 told me and I don't know. I mean it could

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1 GIULIANI  
2 have been the spokesman and nothing more  
3 or it could have been the guy who actually  
4 executed it, I have no idea.  
5 Q. But in effect -- let's drill down  
6 on this a little bit. In effect, the  
7 statement that Dr. Coomer supposedly made,  
8 if you were going to investigate whether  
9 that occurred and whether Dr. Coomer  
10 confessed to a crime in a conference call  
11 like this, wouldn't you want to find out  
12 who else was on the call as a  
13 corroborating witness and talk to them?  
14 MR. SIBLEY: Objection, form.  
15 THE WITNESS: In an ideal world,  
16 sure. I couldn't do it but in an  
17 ideal world I would. I didn't have  
18 subpoena power, I didn't have search  
19 warrant power. I certainly wasn't  
20 going to talk to him at that point.  
21 There would be no way I could follow  
22 up on it. You're asking me a  
23 hypothetical question if I had one of  
24 the most powerful positions in  
25 government and could move a grand

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1 GIULIANI  
2 jury, subpoenas, 14,000 FBI agents, so  
3 when you're on the other side of it  
4 where I was, you've got to work with  
5 what you've got.  
6 BY MR. CAIN:  
7 Q. You may not have to compel  
8 witnesses in this context. Did your  
9 team -- did you instruct your team to do  
10 any of the following, call the source --  
11 MR. SIBLEY: Objection, form.  
12 Q. -- of the Coomer story?  
13 MR. SIBLEY: Objection, form.  
14 THE WITNESS: My team had spoken  
15 to the source, I didn't have to do  
16 that.  
17 BY MR. CAIN:  
18 Q. Let's talk about that.  
19 Who at your team spoke to the  
20 source and who do you understand the  
21 source to be?  
22 A. The person who talked to him for  
23 sure was Phil. Others did. I'm not  
24 certain if Sidney did or she had someone  
25 else do it but Sidney could have also

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1 GIULIANI  
2 spoken to the source.  
3 Q. And who do you understand the  
4 source to be?  
5 A. Well, I found out later, I'm not  
6 sure we put a name -- we must have put a  
7 name on it at this point but I'm not sure.  
8 We found out later his name is Olzheimer  
9 and he had additional information about  
10 Coomer who I guess for quite some time had  
11 been a -- in that hate Trump sort of  
12 movement. Seemed to me it was more  
13 emotion and anger than the usual.  
14 Q. Okay. A little aside question.  
15 Do you know what the relationship between  
16 Phil Waldron and the Trump campaign was?  
17 He was obviously providing information to  
18 you as the campaign's lawyer. Was he a  
19 hired consultant, something along those  
20 lines, if you know?  
21 MR. ZAKHEM: Object to form.  
22 THE WITNESS: I don't know. I  
23 don't know his relationship to the  
24 Trump campaign.  
25 ///

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1 GIULIANI  
2 BY MR. CAIN:  
3 Q. All right, then let's talk a  
4 little bit more about the investigation  
5 before the press conference. You now told  
6 us -- you mentioned Sidney Powell and you  
7 mentioned Phil Waldron again who was  
8 dealing with the source; right?  
9 A. (Witness nodded.)  
10 Q. Is that a yes?  
11 A. Yes.  
12 Q. Obviously Phil Waldron. What did  
13 you understand Sidney Powell was doing as  
14 it related to Dr. Coomer?  
15 A. Sidney was spending a good deal  
16 of her time on the Dominion aspect of the  
17 case so you would have to put Coomer on  
18 the Dominion aspect of the case, so I saw  
19 Sidney as being overall in charge of that.  
20 Exactly when you're the supervisor and  
21 you've got a million things going on,  
22 exactly how deeply you get into this one  
23 as opposed to that one, that I would have  
24 to have been there to see, but she seemed  
25 to be knowledgeable of all the things Phil

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1 GIULIANI  
2 was knowledgeable about and she seemed  
3 to -- didn't seem to me this was -- she  
4 seemed to have appropriately spent some  
5 time on it but certainly not an inordinate  
6 time on it.  
7 Q. She called Dr. Coomer a gnat as  
8 far as the overall picture in her  
9 testimony.  
10 MR. SIBLEY: Objection, form.  
11 THE WITNESS: I'm not sure I know  
12 what that means.  
13 MR. CAIN: Well, a gnat is a  
14 little bug.  
15 MR. SIBLEY: Objection, form.  
16 MR. CAIN: That was her  
17 characterization.  
18 MR. SIBLEY: Objection, form.  
19 BY MR. CAIN:  
20 Q. And I'm not going to say you  
21 would characterize him similarly, that's  
22 not my point. But with respect to her  
23 role, since you testified now that she was  
24 not a campaign lawyer but she was working  
25 on the Dominion aspect of the case, can

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1 GIULIANI  
2 you put some more meat on the bones there?  
3 MR. SIBLEY: Let me stop you  
4 Rudy. There's been I think a  
5 community of interest privilege  
6 asserted by Sidney Powell and I think  
7 we'll assert the same privilege. You  
8 can talk about -- you can talk about  
9 things at a very high level without  
10 divulging attorney/client  
11 communications and without divulging  
12 work product communications.  
13 THE WITNESS: Can I tell him --  
14 logistically is it covered by the  
15 privilege or not? Can I describe to  
16 him what Sidney said to me?  
17 MR. SIBLEY: No, not if it  
18 pertains to the subject matter of what  
19 you all were working on.  
20 MR. CAIN: We've been talking  
21 about all those things throughout this  
22 deposition.  
23 MR. SIBLEY: Not what Sidney told  
24 him. He just told you what Sidney was  
25 in charge of. He hasn't talked about

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1 GIULIANI  
2 what they talked about.  
3 BY MR. CAIN:  
4 Q. Let me ask -- I'll ask the  
5 question. If your lawyer doesn't like it,  
6 he can make an objection or assert a  
7 privilege or make an instruction.  
8 When you said she was working on  
9 the Dominion aspect of the case, what did  
10 you mean by that?  
11 A. So an investigation like this, a  
12 lot of different things come up; correct?  
13 So we've got -- we had essentially three  
14 really active supervisors to handle this  
15 stuff, me, Jenna, Sidney. Joe and Vicki  
16 had pretty much taken the burden of  
17 Pennsylvania off our hands. They were  
18 watching that like a hawk. Boris was  
19 spending a great deal of time handling  
20 Nevada, Arizona. I was personally dealing  
21 quite a bit with Wisconsin and then we  
22 brought Christina on and she took over a  
23 lot of Michigan. So that was sort of the  
24 informal breakdown I had, and I shouldn't  
25 say informal. We actually had a big

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<p>1 GIULIANI</p> <p>2 whiteboard, we had all the names of the</p> <p>3 lawyers and so I knew who to go to, what</p> <p>4 they were responsible for.</p> <p>5 Q. Broken down by?</p> <p>6 A. Subject matter. So you would</p> <p>7 have something on the board that said</p> <p>8 Vicki and Joe and then it would say</p> <p>9 Pennsylvania, Philadelphia, Pittsburgh and</p> <p>10 then a couple of assorted other things</p> <p>11 that they were doing, and every morning we</p> <p>12 would go over that and see how it changed.</p> <p>13 Q. Now --</p> <p>14 A. So in that category, if I were to</p> <p>15 think of Dominion, I would think of Sidney</p> <p>16 carrying the ball on that with everybody</p> <p>17 else helping, and Phil was the</p> <p>18 investigator.</p> <p>19 Q. Here's where the disconnect is</p> <p>20 for me. With Ms. Powell, was she in the</p> <p>21 campaign offices working on the Dominion</p> <p>22 aspect?</p> <p>23 A. At times, not as -- Ms. Powell</p> <p>24 didn't operate as the same as the others</p> <p>25 that I mentioned. She operated somewhat</p> <p style="text-align: right;">Page 66</p>	<p>1 GIULIANI</p> <p>2 don't even think it relates to Coomer at</p> <p>3 all but since everything relates to</p> <p>4 everything else, it's hard to say it</p> <p>5 didn't at all.</p> <p>6 There was another set of problems</p> <p>7 that my staff was having with Sidney which</p> <p>8 I attempted to resolve and wasn't able to,</p> <p>9 and I went to the president with it. I'm</p> <p>10 not sure I can tell you.</p> <p>11 Q. That's fine. I don't need to</p> <p>12 know.</p> <p>13 A. I went to the president with it</p> <p>14 and the end result was that I made a</p> <p>15 determination that we had to separate her</p> <p>16 from the campaign, and I tell you it did</p> <p>17 not have to do with anything different</p> <p>18 that happened in regard to Coomer. It</p> <p>19 happened with other things.</p> <p>20 Q. So if I'm hearing you right,</p> <p>21 press conference on the 19th, the meeting</p> <p>22 with President Trump after the press</p> <p>23 conference or maybe a call and then a</p> <p>24 separation --</p> <p>25 A. Meeting, too. A meeting, a call</p> <p style="text-align: right;">Page 68</p>
<p>1 GIULIANI</p> <p>2 more as an independent, independent of the</p> <p>3 other people. She wasn't as collegial</p> <p>4 maybe is a nice way to put it, which isn't</p> <p>5 unusual for lawyers that tend to be prima</p> <p>6 donnas.</p> <p>7 Q. You did send out a statement, I</p> <p>8 believe it was on November 22nd?</p> <p>9 A. Which is after.</p> <p>10 Q. After the press conference?</p> <p>11 A. Yeah, up until the press</p> <p>12 conference it wasn't as bad as it got</p> <p>13 after.</p> <p>14 Q. And then after the press</p> <p>15 conference, roughly three days later on</p> <p>16 the 22nd, you sent that statement out that</p> <p>17 said that she, Ms. Powell, was working</p> <p>18 independently on her own behalf or words</p> <p>19 to that effect. Do you remember that?</p> <p>20 A. I do.</p> <p>21 Q. What changed then at that point</p> <p>22 as it relates to this working</p> <p>23 relationship?</p> <p>24 A. First of all for your purposes,</p> <p>25 it largely did not relate to Coomer. I</p> <p style="text-align: right;">Page 67</p>	<p>1 GIULIANI</p> <p>2 and then the decision.</p> <p>3 Q. And then a separation when you</p> <p>4 sent the press release out that she was no</p> <p>5 longer --</p> <p>6 A. Correct.</p> <p>7 Q. -- associated?</p> <p>8 MR. SIBLEY: Object to form.</p> <p>9 BY MR. CAIN:</p> <p>10 Q. We're frustrating Cathi.</p> <p>11 A. I'm sorry, I didn't even know I</p> <p>12 was doing it.</p> <p>13 Q. Let's do this, Mr. Giuliani,</p> <p>14 let's --</p> <p>15 A. I'm used to it, getting hit in</p> <p>16 the shins.</p> <p>17 Q. I want to make sure I get all</p> <p>18 your testimony prior to the press</p> <p>19 conference on the Coomer story and we've</p> <p>20 talked about that pretty much constantly</p> <p>21 this morning. Is there anything else as</p> <p>22 you sit here that you can think of that</p> <p>23 informed your statements at the press</p> <p>24 conference?</p> <p>25 A. It would help if I looked -- I</p> <p style="text-align: right;">Page 69</p>

<p>1 GIULIANI</p> <p>2 looked in preparation, I looked at it</p> <p>3 several times last night. Just so that I</p> <p>4 end it and feel comfortable I told you</p> <p>5 everything I can think of right now, it</p> <p>6 would help me if I just read it, I just</p> <p>7 read that portion of the press conference.</p> <p>8 I have it marked out. We can do it pretty</p> <p>9 easily.</p> <p>10 Q. Why don't we do this, why don't</p> <p>11 we take a quick break. I've got a</p> <p>12 portion, a clip that I pulled out.</p> <p>13 A. I know exactly what I want to</p> <p>14 look at. It's the one where -- it's only</p> <p>15 like a page or two where I talk about it.</p> <p>16 I've got it in my room pulled out.</p> <p>17 MR. ZAKHEM: Are we going off the</p> <p>18 record?</p> <p>19 MR. CAIN: Let's go off the</p> <p>20 record.</p> <p>21 THE VIDEOGRAPHER: We're going</p> <p>22 off the record at approximately</p> <p>23 10:39 a.m.</p> <p>24 (Recess taken from 10:39 a.m. to</p> <p>25 10:50 a.m.)</p> <p style="text-align: right;">Page 70</p>	<p>1 GIULIANI</p> <p>2 the social media that had been taken down</p> <p>3 or at least the amount they were able to</p> <p>4 salvage of that social media. I also</p> <p>5 reviewed documents that they, in this case</p> <p>6 meaning Phil, got for me with regard to</p> <p>7 more of Mr. Coomer's history and found out</p> <p>8 that he had come to Dominion from a</p> <p>9 company named Sequoia, that Sequoia was a</p> <p>10 company that had been banned in Chicago</p> <p>11 and banned from doing contracts in the</p> <p>12 U.S. because of a very flawed election in</p> <p>13 Chicago that was investigated ultimately</p> <p>14 by the Congress for several years and</p> <p>15 Smartmatic was found to be unreliable, had</p> <p>16 a lot of practices that went on that would</p> <p>17 lead to making it rather easy to change</p> <p>18 votes, fix votes, rearrange votes, and of</p> <p>19 course in about the worst place you could</p> <p>20 do that, Chicago, which is kind of the</p> <p>21 major leagues along with Philadelphia of</p> <p>22 vote fraud, and did it in such a -- to</p> <p>23 such a degree that it even shocked</p> <p>24 Chicago, which to me meant something</p> <p>25 because you've got to really steal votes</p> <p style="text-align: right;">Page 72</p>
<p>1 GIULIANI</p> <p>2 THE VIDEOGRAPHER: We're back on</p> <p>3 the record at approximately 10:50 a.m.</p> <p>4 BY MR. CAIN:</p> <p>5 Q. Okay, Mr. Giuliani, we broke, you</p> <p>6 said you needed to look at the transcript.</p> <p>7 It appears you have it in front of you.</p> <p>8 A. I do.</p> <p>9 Q. And has your memory been</p> <p>10 refreshed?</p> <p>11 A. It has. By the time I made this</p> <p>12 statement about Mr. Coomer --</p> <p>13 MR. ARRINGTON: I object to this</p> <p>14 testimony. There's not a question</p> <p>15 pending.</p> <p>16 THE WITNESS: Okay, ask the</p> <p>17 question.</p> <p>18 BY MR. CAIN:</p> <p>19 Q. At the time that you made this</p> <p>20 statement about Dr. Coomer, what other</p> <p>21 investigation had you done in order to</p> <p>22 inform your statement?</p> <p>23 A. In addition to going over several</p> <p>24 times with Phil, with his staff member and</p> <p>25 with Sidney the recorded conversation and</p> <p style="text-align: right;">Page 71</p>	<p>1 GIULIANI</p> <p>2 to shock Chicago.</p> <p>3 So they had a hearing in</p> <p>4 Congress. I looked at the documents, not</p> <p>5 in great detail but I looked at the</p> <p>6 conclusory documents and got a little more</p> <p>7 interested in it because the woman who</p> <p>8 seemed to be the toughest on Smartmatic</p> <p>9 and Sequoia was Carolyn Maloney who was my</p> <p>10 congresswoman. Not only was she my</p> <p>11 Congresswoman, but she was one of the</p> <p>12 democratic members of the City Council</p> <p>13 when I was the mayor and one of my allies</p> <p>14 because she would tend to be described as</p> <p>15 something that is fast disappearing, a</p> <p>16 moderate democrat and a very good woman.</p> <p>17 And she had several letters and</p> <p>18 it appeared she was very angry and very</p> <p>19 upset with the performance of Smartmatic</p> <p>20 and Sequoia as basically being machines</p> <p>21 that were built to fix votes because you</p> <p>22 could change the vote. Never made sense</p> <p>23 to me that a voting machine would allow</p> <p>24 you to change a vote. Voting machines</p> <p>25 should record a vote and then other</p> <p style="text-align: right;">Page 73</p>

<p>1 GIULIANI</p> <p>2 machines should do the calculating but</p> <p>3 once it's there, it shouldn't be changed.</p> <p>4 It would have to be dealt with. If</p> <p>5 somebody wanted to do something with it,</p> <p>6 there should be a special proceeding to do</p> <p>7 something with it, but once the vote is</p> <p>8 cast it should be there forever. Then if</p> <p>9 someone claims they made a mistake or I</p> <p>10 didn't see it or I put it in the wrong</p> <p>11 place, well then you're going to have to</p> <p>12 have a proceeding. Otherwise we end up</p> <p>13 with fraudulent elections.</p> <p>14 Q. May I just ask since as part of</p> <p>15 your answer you said we need to have</p> <p>16 another proceeding if there's a mistake on</p> <p>17 a ballot --</p> <p>18 A. If someone goes into a voting</p> <p>19 booth, votes, walks out and says I made a</p> <p>20 mistake, I should have voted for Biden and</p> <p>21 I voted for Trump, you should not be able</p> <p>22 to change the vote on the voting machine</p> <p>23 and be able to move it from Biden to Trump</p> <p>24 or vice versa. You should be able to put</p> <p>25 it in an affidavit in which you explain</p> <p style="text-align: right;">Page 74</p>	<p>1 GIULIANI</p> <p>2 So it seemed to me that a machine</p> <p>3 that allows you to change the vote is a</p> <p>4 machine that was built to fix the vote.</p> <p>5 When you add to that the machine was built</p> <p>6 so it could be accessed by the Internet,</p> <p>7 then it sort of puts it over the top.</p> <p>8 We've got what we would call in</p> <p>9 New York a fugazi machine. Fugazi machine</p> <p>10 means a crooked machine.</p> <p>11 I was also at this point aware of</p> <p>12 the fact that the president of Smartmatic</p> <p>13 had lied about that under oath where he</p> <p>14 testified in Michigan and that concerned</p> <p>15 me greatly because in my world of being a</p> <p>16 criminal prosecutor, that was very, very</p> <p>17 damaging evidence. I mean that's a false</p> <p>18 exculpatory statement which a judge would</p> <p>19 charge a jury as evidence of guilt.</p> <p>20 He testified -- I knew he had</p> <p>21 several times in speeches said you cannot</p> <p>22 change the vote and it's not accessible by</p> <p>23 Internet. I always wondered why he made</p> <p>24 that statement because at one point when</p> <p>25 he made it, Phil came to me with a manual</p> <p style="text-align: right;">Page 76</p>
<p>1 GIULIANI</p> <p>2 that happens and then some neutral arbiter</p> <p>3 will determine under the laws of the state</p> <p>4 can the vote be changed.</p> <p>5 On the other hand, it would seem</p> <p>6 to be totally inviting fraud to build a</p> <p>7 machine in which you could change the</p> <p>8 vote. It should be a calculator, not a</p> <p>9 machine in which you can change the vote.</p> <p>10 Changing the vote is a very significant</p> <p>11 act that should be surrounded by a record.</p> <p>12 And I'm not just relying on me, I'm</p> <p>13 relying on oh, gosh, the report that was</p> <p>14 done by Carter and Baker who were very</p> <p>15 much opposed to mail-in ballots for that</p> <p>16 reason, or somewhere around 60 percent of</p> <p>17 the European countries who have largely</p> <p>18 done away with mail ballots or have</p> <p>19 surrounded them with very, very strict</p> <p>20 identification procedures because almost</p> <p>21 all of them have had experiences like the</p> <p>22 one that we had in 2020 where there were</p> <p>23 allegations of significant fraud because</p> <p>24 the mail ballot is very, very hard to</p> <p>25 verify.</p> <p style="text-align: right;">Page 75</p>	<p>1 GIULIANI</p> <p>2 for the machine. Back up.</p> <p>3 Phil came to me with several</p> <p>4 witnesses and some pictures which</p> <p>5 demonstrated that the machine can be</p> <p>6 accessed by the Internet.</p> <p>7 Q. Pause for just a second. I want</p> <p>8 to make sure we're still talking about</p> <p>9 before the press conference.</p> <p>10 A. This is all conversation we had</p> <p>11 before the press conference. The only</p> <p>12 thing missing is the testimony under oath.</p> <p>13 So let me back it up and make it clear</p> <p>14 because I got a little sloppy.</p> <p>15 Q. Okay.</p> <p>16 A. The testimony of the owner, is it</p> <p>17 Mr. Poulos of Dominion?</p> <p>18 Q. Poulos.</p> <p>19 A. Poulos. The testimony of</p> <p>20 Mr. Poulos came later. He had made</p> <p>21 statements in front of Congress and</p> <p>22 statements in speeches that he gave that</p> <p>23 this is terrible about the Dominion</p> <p>24 machine, you cannot access it through the</p> <p>25 Internet, it's secure and you can't just</p> <p style="text-align: right;">Page 77</p>

<p>1 GIULIANI</p> <p>2 change votes.</p> <p>3 Now there was at that point, and</p> <p>4 this is before the press conference, there</p> <p>5 was a lot of evidence that you could do</p> <p>6 both. There were people in Michigan,</p> <p>7 Georgia, Atlanta -- not Atlanta, Arizona,</p> <p>8 Nevada, that had somehow someway got their</p> <p>9 hands on these machines, I guess a machine</p> <p>10 here, a machine there, and submitted</p> <p>11 statements that they had examined the</p> <p>12 machine and that's just garbage, that you</p> <p>13 can connect it to the Internet, and number</p> <p>14 two, you can change the vote rather</p> <p>15 easily, including remotely. That seemed</p> <p>16 to be almost undeniable, yet the president</p> <p>17 of the company was consistently making the</p> <p>18 statement that you cannot do it.</p> <p>19 So that really colored my view of</p> <p>20 the company because I'm saying to myself,</p> <p>21 why is the guy lying about this? Then</p> <p>22 they showed me the manual, which I think I</p> <p>23 included in one of my submissions to one</p> <p>24 of the courts in which they show you how</p> <p>25 to do it.</p> <p style="text-align: right;">Page 78</p>	<p>1 GIULIANI</p> <p>2 software was being used all throughout</p> <p>3 that led to many, many objections.</p> <p>4 I had been told that there was a</p> <p>5 witness that could testify that the</p> <p>6 original Smartmatic, Sequoia crooked</p> <p>7 machines were developed for Chávez in</p> <p>8 order to make sure that he didn't lose,</p> <p>9 and that was the basic Sequoia machine.</p> <p>10 Was told they all used the same software,</p> <p>11 that they fixed a couple of elections,</p> <p>12 Sequoia, Smartmatic was the company that</p> <p>13 Coomer was involved with, and that after</p> <p>14 the big scandal in Chicago, whether it's</p> <p>15 true or not, it got laid off on Sequoia.</p> <p>16 Smartmatic sort of laid it off on Sequoia</p> <p>17 as the evildoer and the answer was let us</p> <p>18 continue to do business, we'll get rid of</p> <p>19 Sequoia.</p> <p>20 I don't think they went to</p> <p>21 Dominion first. I think there was some</p> <p>22 kind of a transaction in the middle but</p> <p>23 eventually they end up -- the crooked</p> <p>24 company and Coomer end up with Dominion.</p> <p>25 And now he's saying that he's</p> <p style="text-align: right;">Page 80</p>
<p>1 GIULIANI</p> <p>2 So now we have Coomer saying they</p> <p>3 are going to fix the election, added to it</p> <p>4 now Coomer comes to Dominion from the bad</p> <p>5 seed, from the bad company that Smartmatic</p> <p>6 wanted to dump because the government had</p> <p>7 pretty much figured out they were a bad</p> <p>8 company, didn't want them involved.</p> <p>9 Q. You're talking about Sequoia?</p> <p>10 A. Sequoia was a bad company, he</p> <p>11 came from there. Got this record of these</p> <p>12 out-of-control, very troublesome</p> <p>13 statements about the president showing a</p> <p>14 real bias, certainly the kind of bias that</p> <p>15 would -- I guess the point I'm trying to</p> <p>16 make is there'd be nothing I saw that</p> <p>17 suggested that the statement that the</p> <p>18 election was fixed was false. Everything</p> <p>19 I saw supported somebody who had a motive</p> <p>20 for fixing the election, hated the</p> <p>21 president beyond normal, was involved with</p> <p>22 a company that had to be gotten rid of</p> <p>23 because it was a crooked company and they</p> <p>24 had to bury it somewhere so it could</p> <p>25 operate. As far as I could tell the same</p> <p style="text-align: right;">Page 79</p>	<p>1 GIULIANI</p> <p>2 going -- he can fix -- they are going to</p> <p>3 fix the election. He's a guy who hated</p> <p>4 Trump. Say they all corroborated the</p> <p>5 notion that not only did he make the</p> <p>6 statement which in and of itself is pretty</p> <p>7 powerful, I mean somebody says they are</p> <p>8 going to fix an election against my</p> <p>9 client, I'm not going to start off by not</p> <p>10 believing them.</p> <p>11 Now I didn't have to end by just</p> <p>12 that. What I could end with was yeah, he</p> <p>13 did make the statement, yeah, he did work</p> <p>14 for a company that fixes elections, yeah,</p> <p>15 he did work for a company that fixed</p> <p>16 elections that was so bad they had to kind</p> <p>17 of do this laundering transaction for it</p> <p>18 and it ends up being attached to Dominion,</p> <p>19 the bad company ends up being attached to</p> <p>20 Dominion.</p> <p>21 And then we had a report that the</p> <p>22 heads of Dominion and Smartmatic,</p> <p>23 somewhere in the mid teens, 2013, '14,</p> <p>24 whatever, went down to Venezuela for a</p> <p>25 get-to-know meeting with Maduro so they</p> <p style="text-align: right;">Page 81</p>

<p>1 GIULIANI</p> <p>2 could demonstrate to Maduro the kind of</p> <p>3 vote fixing they did for Chávez.</p> <p>4 Q. You say the heads of Dominion and</p> <p>5 Smartmatic?</p> <p>6 A. Yes, that's what I was told.</p> <p>7 Q. And the report you're referring</p> <p>8 to is what?</p> <p>9 A. The report is -- the report of a</p> <p>10 confidential informant, and before the</p> <p>11 press conference I was told about it.</p> <p>12 What I don't recall is did I read it,</p> <p>13 actually read it before the press</p> <p>14 conference or did I read it after the</p> <p>15 press conference. I did subsequently read</p> <p>16 it and it says exactly what he told me it</p> <p>17 says. But I can't tell you for sure</p> <p>18 because at the very end I rushed into this</p> <p>19 and I'm not sure I read it. I had it with</p> <p>20 me and the guy was --</p> <p>21 Q. Had it with you when?</p> <p>22 A. Had it with me probably in my</p> <p>23 bag, in the papers to read. I just hadn't</p> <p>24 had the chance I don't think to go through</p> <p>25 it in the kind of detail I like to. But I</p> <p style="text-align: right;">Page 82</p>	<p>1 GIULIANI</p> <p>2 I mean I could guess but it would not be</p> <p>3 an educated guess.</p> <p>4 Q. Okay, so let's talk about a few</p> <p>5 things based on your recent testimony.</p> <p>6 You mentioned a report that you</p> <p>7 had from a confidential informant and</p> <p>8 we've talked a little bit about</p> <p>9 investigatory material, the manual that</p> <p>10 Mr. Waldron had access to, et cetera.</p> <p>11 In terms of documents,</p> <p>12 Mr. Giuliani, I've asked for documents</p> <p>13 that would have been compiled as part of</p> <p>14 your investigation on Dr. Coomer or the</p> <p>15 campaigns. Do you have access to any of</p> <p>16 that at this point in time?</p> <p>17 MR. SIBLEY: Objection, form.</p> <p>18 THE WITNESS: Pardon me?</p> <p>19 MR. SIBLEY: I just said</p> <p>20 objection to form.</p> <p>21 THE WITNESS: Should I answer?</p> <p>22 MR. SIBLEY: Yes, if you can</p> <p>23 answer.</p> <p>24 THE WITNESS: I have access in</p> <p>25 that I can request, yes.</p> <p style="text-align: right;">Page 84</p>
<p>1 GIULIANI</p> <p>2 saw some of the statements so I was pretty</p> <p>3 comfortable that it was there under oath.</p> <p>4 So that's the background. That's</p> <p>5 what I knew when I made -- I think I</p> <p>6 mentioned Coomer's name once out of</p> <p>7 numerous pages. I certainly didn't focus</p> <p>8 on him by any means. Much like Sidney, I</p> <p>9 didn't think of him as anything more than</p> <p>10 what he purported to be, a guy who knew</p> <p>11 that the election was fixed, that his</p> <p>12 company did it, that hated Trump, that</p> <p>13 seemed to have the motivation to do it,</p> <p>14 the ability to do it and the associations</p> <p>15 to do it. Exactly what role he played, I</p> <p>16 had no idea. It's a big company, lots of</p> <p>17 people do different things. Was it his</p> <p>18 job just to announce it? Was it his job</p> <p>19 to carry it? I had no idea, nor was I</p> <p>20 particularly interested at that point.</p> <p>21 Q. Like if I asked you what your</p> <p>22 theory is on what Dr. Coomer may or may</p> <p>23 not have done, you wouldn't have a</p> <p>24 response to that?</p> <p>25 A. No, I think it would be unfair.</p> <p style="text-align: right;">Page 83</p>	<p>1 GIULIANI</p> <p>2 BY MR. CAIN:</p> <p>3 Q. If you had to make a request for</p> <p>4 that information, who would you send it</p> <p>5 to?</p> <p>6 A. I would send that request to</p> <p>7 Boris Epstein, I would send that request</p> <p>8 to Christina Bobb. They would be the most</p> <p>9 likely to have -- if they did retain such</p> <p>10 a thing, they would be the most likely to</p> <p>11 have it or not have it.</p> <p>12 Q. And let's -- you've said a lot.</p> <p>13 A. And I'm sorry, Phil Waldron of</p> <p>14 course. Probably you would put Phil at</p> <p>15 the top and they would be backups.</p> <p>16 Q. Let's follow up on one of those</p> <p>17 folks you just mentioned because I want to</p> <p>18 get information on her.</p> <p>19 (Exhibit 102, document from Jan</p> <p>20 Wolfe Twitter account, marked for</p> <p>21 identification.)</p> <p>22 BY MR. CAIN:</p> <p>23 Q. This is Exhibit 102. It should</p> <p>24 have been uploaded already for those</p> <p>25 listening at home. Let's just talk about</p> <p style="text-align: right;">Page 85</p>

<p>1 GIULIANI 2 this briefly. I'll describe it as you're 3 looking at it. This is from a Twitter 4 account by someone named Jan Wolfe, newly 5 disclosed e-mails show how a One America 6 News reporter was working for Giuliani and 7 helping him try to overturn the election. 8 And then it's a copy apparently of an 9 e-mail from Christina Bobb to K. Fann at 10 the Arizona legislature on December 4th. 11 And the content of the e-mail is 12 "Good morning, ma'am. Mayor Giuliani 13 asked me to send you these declarations. 14 He will want to follow up with you as 15 well. I will have one more e-mail 16 follow" -- I think she meant following -- 17 "this one. Respectfully Christina." 18 So can you describe what was 19 going on -- well, no, before we get to 20 that, you mentioned Ms. Bobb was working 21 with your team. This is December 4th. 22 Was she working with you before the press 23 conference as well? 24 A. Tell me the date of the press 25 conference again, I'm sorry.</p> <p style="text-align: right;">Page 86</p>	<p>1 GIULIANI 2 BY MR. CAIN: 3 Q. Herring, like the fish. 4 A. And I had gotten to know him very 5 well because I did a documentary on 6 Ukrainian collusion. 7 Q. With -- 8 A. With Chanel, with Chanel Rion, 9 and so I had -- I trusted him. They were 10 very patriotic. They were very honest and 11 they did a very straightforward job which 12 to me was a revelation because I hadn't 13 seen that done in a couple years. 14 So when Christina came over -- 15 Q. Can I ask you a question? I'm 16 sorry, I apologize. I try not to 17 interrupt but I wanted to make sure I 18 understood. You were about to say when 19 she came over. 20 A. Came over to the campaign. 21 Q. Right. And I was going to ask 22 you how did you decide to hire her of all 23 people? 24 A. I'll tell you. 25 Q. Okay, thank you.</p> <p style="text-align: right;">Page 88</p>
<p>1 GIULIANI 2 Q. The press conference was on 3 November 19, 2020. This e-mail is after 4 the press conference where she's 5 apparently sending something at your 6 request. The question was -- 7 A. The answer is yes, she was. 8 Q. Okay. And did you hire her? 9 A. I did. 10 Q. And did you hire her to work for 11 the campaign? 12 A. No, to work for the -- his 13 personal lawyers, work with his personal 14 lawyers. 15 Q. Was that at or around the time 16 that former President Trump put you in 17 charge of the legal team for the campaign? 18 MR. ZAKHEM: Form. 19 THE WITNESS: It was a little bit 20 after. It was a little bit after. It 21 was maybe a week, less than. She came 22 in and volunteered a number of -- I 23 didn't know Christina, although I did 24 know One American News, Charles 25 Herring. Herring?</p> <p style="text-align: right;">Page 87</p>	<p>1 GIULIANI 2 A. She came over to the campaign and 3 she offered to help us. She said that she 4 had been -- she had as a reporter 5 gathered -- by process of elimination, she 6 had gathered a lot of information about 7 Arizona, Michigan, I don't know about 8 Georgia. I don't remember Georgia. She 9 eventually got involved in Georgia and 10 several of my assistants, I had never -- 11 she said I met her but I don't remember 12 meeting her when I was over at One America 13 News but I met a lot of people there so I 14 may have. 15 And my staff said she was 16 terrific, she was very trustworthy and if 17 we could work out an agreement with One 18 America News, it would be very helpful. 19 She was a very good investigator. 20 So I didn't act on it right away. 21 I wanted to see how she functioned and she 22 was fabulous. She would get you 23 information quickly, she turned out to be 24 an excellent lawyer, she could write 25 really well. Her background was she was</p> <p style="text-align: right;">Page 89</p>



<p>1 GIULIANI</p> <p>2 both a law school graduate and a Marine</p> <p>3 Corps officer so she had tremendous</p> <p>4 discipline as a Marine Corps officer and</p> <p>5 she has a heck of an intellect as -- well,</p> <p>6 I guess Marine Corps officers have great</p> <p>7 intellects, too. But she also had the</p> <p>8 benefit -- pardon me?</p> <p>9 MR. CAIN: Whoever just said</p> <p>10 words needs to mute themselves,</p> <p>11 please.</p> <p>12 BY MR. CAIN:</p> <p>13 Q. Mr. Giuliani, this happens</p> <p>14 virtually every --</p> <p>15 A. I thought maybe it was a marine</p> <p>16 who was angry or happy that I corrected.</p> <p>17 But in any event she was a very</p> <p>18 intelligent woman and very hardworking and</p> <p>19 very trustworthy and I sort of have a -- I</p> <p>20 have a prejudice in favor of marines. And</p> <p>21 she said she could help a lot. So we</p> <p>22 addressed a conflict issue with her</p> <p>23 publication. I talked to Charles myself</p> <p>24 and I said if she has to hold this</p> <p>25 confidential from you, that doesn't mean</p> <p style="text-align: right;">Page 90</p>	<p>1 GIULIANI</p> <p>2 general assignment -- they would take her</p> <p>3 off -- I'm sorry, did you not finish? I'm</p> <p>4 sorry, I spoke over you. I realized when</p> <p>5 you looked at her. Go ahead.</p> <p>6 Q. I don't want her to blame me.</p> <p>7 A. Good. If you do that, it gets me</p> <p>8 guilty. See I don't care about you. I</p> <p>9 don't want her to be upset. Go ahead.</p> <p>10 Q. Well, Now I've forgotten the</p> <p>11 question. Because I never asked it.</p> <p>12 (Record read.)</p> <p>13 BY MR. CAIN:</p> <p>14 Q. I was going to ask you, I assumed</p> <p>15 you were referring to this discussion you</p> <p>16 had with Charles Herring.</p> <p>17 A. Yes, the rules that we made with</p> <p>18 Charles were that he would defer to us to</p> <p>19 whatever our needs were, that he couldn't</p> <p>20 give it to us permanently but he could</p> <p>21 loosen up her assignments for the next</p> <p>22 couple of months, therefore she wouldn't</p> <p>23 be working all that much for OAN, so the</p> <p>24 conflict thing wouldn't come up all the</p> <p>25 time, that she would agree that any</p> <p style="text-align: right;">Page 92</p>
<p>1 GIULIANI</p> <p>2 there won't be things that you can then if</p> <p>3 they are okay then the benefit to you is</p> <p>4 you'll have like an extra, you'll have an</p> <p>5 extra edge on everybody else that will</p> <p>6 benefit you, but you're going to have to</p> <p>7 agree to something that I know our news</p> <p>8 networks won't agree to, which is there</p> <p>9 may be things that you just can't do and</p> <p>10 she's got to separate her role as a lawyer</p> <p>11 and if she wants to share things with you,</p> <p>12 she will have to get my permission or one</p> <p>13 of my people.</p> <p>14 Now we had done that before and</p> <p>15 it had worked out really well, nothing had</p> <p>16 leaked, nothing had come out, nothing had</p> <p>17 been compromised and the situation you</p> <p>18 gave was far more dangerous because there</p> <p>19 was some risk to it which I was very</p> <p>20 impressed that Chanel was willing to take</p> <p>21 so they promised and she came to work for</p> <p>22 us.</p> <p>23 Q. When you say they promised, you</p> <p>24 had --</p> <p>25 A. They said they would take her off</p> <p style="text-align: right;">Page 91</p>	<p>1 GIULIANI</p> <p>2 communication she had, OAN would be</p> <p>3 treated for that purpose the way any other</p> <p>4 news organization is, and then if she did</p> <p>5 develop a discrete, good story, she would</p> <p>6 have to run it past us so it didn't</p> <p>7 violate any of our rules or whatever. And</p> <p>8 I was pretty comfortable they would live</p> <p>9 by it because they had before. And I knew</p> <p>10 she had tremendous enthusiasm for doing</p> <p>11 this and I always like to hire people with</p> <p>12 enthusiasm because they work harder.</p> <p>13 Q. And so that serves as kind of the</p> <p>14 background --</p> <p>15 A. That's how we got her. And she</p> <p>16 got very active in gathering evidence and</p> <p>17 eventually ended up focusing a lot on</p> <p>18 Arizona, Michigan which she helped to</p> <p>19 clean up, Nevada.</p> <p>20 Q. Okay.</p> <p>21 A. Someplace else that I can't</p> <p>22 remember.</p> <p>23 Q. And I take from your testimony</p> <p>24 the promise from Mr. Herring about what</p> <p>25 the relationship would be was just an oral</p> <p style="text-align: right;">Page 93</p>

<p>1 GIULIANI 2 agreement between -- 3 A. It was, yes. 4 Q. -- between you two, okay. 5 And that agreement didn't 6 expressly prevent her from reporting on 7 the election? 8 A. She had to get permission. 9 Q. She just had to get permission, 10 okay, thank you. All right. You can set 11 that aside. I think we're done with that 12 for now. 13 Now I'm going to go back to in 14 time a little bit in your testimony with 15 some follow-up questions, and forgive me, 16 we've really drilled down on the pre-press 17 conference period which I appreciate your 18 testimony on. I'll give you an 19 opportunity if you remember anything else 20 before the press conference about 21 Dr. Coomer's investigation to inform us 22 either now or if it comes to you during 23 the course of the deposition. 24 A. I just know there are two or 25 three things, they are not of major</p> <p style="text-align: right;">Page 94</p>	<p>1 GIULIANI 2 listen to a recording? 3 A. I did not. 4 Q. Who told you there was a 5 recording? 6 A. First of all I saw it in the 7 newspapers. There was a newspaper article 8 that said there was a recorded call. 9 Here's where my recollection really fails 10 me because you spent a certain amount of 11 time on this and I'm not going to use the 12 same characterization that Sidney did but 13 it isn't so far off that this was not -- 14 we are now devoting more time to 15 Mr. Coomer than we did then. 16 Q. Right, your bill is going to be 17 larger for this deposition than -- 18 A. No question, no question. And 19 that happens. That's not unusual. That 20 happens when you have depositions and 21 trials but I would say I didn't see 22 much -- beyond what we said and then some 23 of the things that were investigated 24 afterwards that came back to us, I didn't 25 see a great deal of gain that we were</p> <p style="text-align: right;">Page 96</p>
<p>1 GIULIANI 2 significance but they are -- I mean I 3 would say maybe this is more of a lawyer's 4 statement. At the time that I heard this 5 and at the time that I made this 6 statement, I didn't have any reason to 7 believe it wasn't true and I had a certain 8 group of facts that suggested that it was. 9 So I had -- I didn't have any doubt that 10 it was a proper statement to make. It was 11 supportable by what I was told he said, by 12 his sentiments that he relayed of bias and 13 prejudice and then the companies he worked 14 for that clearly had the capability to do 15 this. 16 Q. I didn't mean to re-ask a 17 question I asked previously. I think my 18 question was more geared towards anything 19 else from a factual standpoint. 20 A. There probably are but right now 21 I can't remember. 22 Q. That's fine. At least twice in 23 your prior testimony you mentioned a 24 recorded conversation of this Antifa call. 25 Tell me what you can remember. Did you</p> <p style="text-align: right;">Page 95</p>	<p>1 GIULIANI 2 going to get in making Mr. Coomer, you 3 know, like a major defendant of some kind. 4 He seemed to me like when we focused on 5 Dominion, we could see if we could try to 6 convince him it would be good if he became 7 a witness. 8 Q. Right. 9 A. So we didn't want to do -- this 10 seems a little strange because we didn't 11 want to do too much damage to him. So I 12 mentioned him that one time. I honestly 13 cannot, just sitting here, I can't tell 14 you when else I mentioned him. I have 15 a -- I wouldn't say I didn't because then 16 I'd take the risk I'm not telling the 17 truth but I think I probably did talk 18 about him, but I don't remember some big 19 formal occasion when I did it, and I do 20 think he came up a couple times in 21 questions about who is he and what did he 22 do, but generally I would answer and then 23 move on to the subject that I was really 24 interested in talking about. 25 Q. Right. So let's --</p> <p style="text-align: right;">Page 97</p>

<p>1 GIULIANI</p> <p>2 A. He didn't become -- we didn't</p> <p>3 focus on him again until he sued.</p> <p>4 Q. Right. And to that point,</p> <p>5 Mr. Giuliani, the campaign itself filed</p> <p>6 several lawsuits relating to the 2020</p> <p>7 election; right?</p> <p>8 A. Um-hum.</p> <p>9 Q. And you were involved personally</p> <p>10 I think in the one --</p> <p>11 A. Pennsylvania.</p> <p>12 Q. -- in Pennsylvania with the</p> <p>13 federal judge there where you actually</p> <p>14 made an appearance.</p> <p>15 A. I did, sir.</p> <p>16 Q. I have not seen any case filed by</p> <p>17 the Trump campaign that based its claim of</p> <p>18 election fraud on Dr. Coomer or anything</p> <p>19 about him. Is that --</p> <p>20 MR. SIBLEY: Object to form.</p> <p>21 BY MR. CAIN:</p> <p>22 Q. Is that your understanding as</p> <p>23 well?</p> <p>24 MR. SIBLEY: Same objection.</p> <p>25 THE WITNESS: I don't remember.</p> <p style="text-align: right;">Page 98</p>	<p>1 GIULIANI</p> <p>2 House and Senate which comes from article</p> <p>3 1 has a certain reservation for Congress.</p> <p>4 It says that the time and place will be</p> <p>5 set by the State legislature but from time</p> <p>6 to time Congress can make rules, blah,</p> <p>7 blah, blah. But then it's very striking</p> <p>8 that when you go a little later in the</p> <p>9 Constitution and it says the State</p> <p>10 legislature shall determine the electors</p> <p>11 and how they are selected, there's nothing</p> <p>12 there about Congress being able to change</p> <p>13 it.</p> <p>14 So just by usual rules of</p> <p>15 construction that we all learned in law</p> <p>16 school, that would be a pretty good</p> <p>17 argument if they were going to include</p> <p>18 Congress, just a couple pages earlier they</p> <p>19 did, they would have done it. And then if</p> <p>20 you go a little further and therefore want</p> <p>21 to eliminate the idea that it's kind of an</p> <p>22 accident, there is discussion both in the</p> <p>23 debates, a little bit in the federalist</p> <p>24 papers that it was a deliberate decision</p> <p>25 because they wanted the body closest to</p> <p style="text-align: right;">Page 100</p>
<p>1 GIULIANI</p> <p>2 I don't remember if we did. There</p> <p>3 came a point that our strategy changed</p> <p>4 so there would have been no reason to</p> <p>5 do that, and I'd have to drill down a</p> <p>6 little bit farther to tell you exactly</p> <p>7 when that happened but we're talking</p> <p>8 about the press conference was on</p> <p>9 November --</p> <p>10 BY MR. CAIN:</p> <p>11 Q. 19th.</p> <p>12 A. By December, certainly by</p> <p>13 December we had sort of given up on the</p> <p>14 courts and the idea was maybe -- maybe we</p> <p>15 had made a mistake and our valuation of</p> <p>16 the courts was kind of old-fashioned and</p> <p>17 where we should go is to the governmental</p> <p>18 body that really has the power to make</p> <p>19 this decision, which is the State</p> <p>20 legislature because under the Constitution</p> <p>21 of the United States, the plenary power to</p> <p>22 determine the electors is not one that is</p> <p>23 shared with anyone. It's rare.</p> <p>24 For example, the power to make</p> <p>25 determinations about members of Congress,</p> <p style="text-align: right;">Page 99</p>	<p>1 GIULIANI</p> <p>2 the people to make this decision. After</p> <p>3 all we're picking the people's president,</p> <p>4 not a king, so let's go to the lowest</p> <p>5 house, not the highest.</p> <p>6 And then all of a sudden you're</p> <p>7 faced with this language, and I'm sorry, I</p> <p>8 don't remember the name of the case, it</p> <p>9 would be easy to find out, you have this</p> <p>10 very powerful case in 1895 in which the</p> <p>11 Supreme Court very clearly says the power</p> <p>12 to select the electors is given</p> <p>13 exclusively to the State legislature. It</p> <p>14 is not shared, it's plenary and although</p> <p>15 it's been delegated, the delegation means</p> <p>16 nothing because they can take it back any</p> <p>17 time they want. It's not the kind of</p> <p>18 power that you lose by delegating. These</p> <p>19 comments were all made in 19 -- I'm going</p> <p>20 to say '85, '88. I'm sorry, I don't</p> <p>21 remember the case. Just in case, it was a</p> <p>22 long time ago and the court doesn't</p> <p>23 believe that anymore, well in 2002, in</p> <p>24 Bush v. Gore, they approvingly cite the</p> <p>25 case, a majority of the court approvingly</p> <p style="text-align: right;">Page 101</p>

<p>1 GIULIANI</p> <p>2 cites the case as a statement of good law.</p> <p>3 Q. And you're explaining right now</p> <p>4 why -- I'm sorry.</p> <p>5 A. Go a little further with that and</p> <p>6 there's apparently been a lot of</p> <p>7 scholarship on this, from the very, very</p> <p>8 beginning when they passed a law in 1877</p> <p>9 which was intended to pick the president</p> <p>10 if there was a dispute, many scholars</p> <p>11 argued then and now that that was</p> <p>12 unconstitutional, that it violated the</p> <p>13 Constitution, that it violated the</p> <p>14 Constitution in that it created new bodies</p> <p>15 that were going to get involved in the</p> <p>16 plenary power that was given to the House</p> <p>17 and you can't do that without amendment to</p> <p>18 the Constitution. It said if there was a</p> <p>19 dispute about electors, they had to</p> <p>20 separate into House, they had to separate</p> <p>21 into House and Senate, and the Senate</p> <p>22 would then take a role in picking the</p> <p>23 president.</p> <p>24 Under the Constitution, the</p> <p>25 Senate doesn't have a role in picking the</p> <p style="text-align: right;">Page 102</p>	<p>1 GIULIANI</p> <p>2 purpose.</p> <p>3 A. No, I'm not. I'm just free</p> <p>4 associating which is probably silly. I'm</p> <p>5 sorry.</p> <p>6 Q. So I only have a limited amount</p> <p>7 of time.</p> <p>8 A. You take me back to where we are.</p> <p>9 Q. So where we were was I was asking</p> <p>10 you if the campaign based any of its</p> <p>11 lawsuits on Dr. Coomer's --</p> <p>12 A. I guess the point I was trying to</p> <p>13 make in all of that, Dr. Coomer after that</p> <p>14 became kind of a small player. His</p> <p>15 statement, his statement that they fixed</p> <p>16 the election now was one piece of one of</p> <p>17 many ways in which they fixed the election</p> <p>18 which now was going to get proved by</p> <p>19 things much bigger than Dr. Coomer, like</p> <p>20 the Antrim audit which we actually -- it's</p> <p>21 one thing for him to say we fixed the</p> <p>22 election, it's another thing to show</p> <p>23 conclusively, although we knew it.</p> <p>24 So pretty quickly after the</p> <p>25 testimony had moved on to many more --</p> <p style="text-align: right;">Page 104</p>
<p>1 GIULIANI</p> <p>2 president, it goes to the House. So right</p> <p>3 from the beginning, that act, presidential</p> <p>4 succession act or whatever they call it,</p> <p>5 was attacked as unconstitutional. It's</p> <p>6 never really been used. They almost used</p> <p>7 it in Bush v. Gore. None other than</p> <p>8 Laurence Tribe did an editorial, an op-ed</p> <p>9 piece, very prominent left wing democratic</p> <p>10 scholar and supporter of Hillary Clinton,</p> <p>11 wrote an article saying he thought it was</p> <p>12 unconstitutional.</p> <p>13 Somewhere around 2015, one of the</p> <p>14 prominent, very prominent law reviews,</p> <p>15 Georgetown, I think, wrote a very, very</p> <p>16 long article, very, very strongly arguing</p> <p>17 it's not constitutional, that it can't be</p> <p>18 fought and gave Congress a warning, you</p> <p>19 better straighten it out before we have to</p> <p>20 face the issue. Well, they didn't.</p> <p>21 Q. May I interject just for a</p> <p>22 second? I've lost the question.</p> <p>23 A. I know.</p> <p>24 Q. So you had said, and I'm sorry, I</p> <p>25 don't think you're filibustering on</p> <p style="text-align: right;">Page 103</p>	<p>1 GIULIANI</p> <p>2 many more pieces of evidence that showed</p> <p>3 that Dominion, in fact, had manipulated</p> <p>4 votes, changed votes, had the capacity to</p> <p>5 do it, things like the audit in Antrim</p> <p>6 County which people read for all different</p> <p>7 things. The thing I read it for is the</p> <p>8 voting machines examined there came back</p> <p>9 with something like an 80 percent</p> <p>10 adjudication rate. What that means is</p> <p>11 that 80 percent of the people that went in</p> <p>12 to vote have no assurance that the person</p> <p>13 they voted for actually got that vote</p> <p>14 because some government bureaucrat came</p> <p>15 along and decided it wasn't done carefully</p> <p>16 enough.</p> <p>17 That's an absurd number. They</p> <p>18 had 10 people walk in, they think they</p> <p>19 voted for Bush -- sorry, wrong case. They</p> <p>20 think they voted for Trump or they think</p> <p>21 they voted for Biden and we don't know who</p> <p>22 they voted for because some bureaucrat is</p> <p>23 going to come along and say oh, they were</p> <p>24 originally going to vote for Trump and</p> <p>25 they got a little mark for Trump and they</p> <p style="text-align: right;">Page 105</p>

1 GIULIANI  
2 got a bigger mark for Biden, let's give it  
3 to Biden. And from what I could tell at  
4 Antrim, those came out like eight to one,  
5 like they weren't finding too many for  
6 Trump in a district that Trump had  
7 actually won but the Antrim machine  
8 somehow based on a glitch gave that to  
9 Biden by 3,000 votes, and they have never  
10 explained what the glitch is. The report  
11 explains what the glitch is.  
12 The glitch is they put an  
13 algorithm in so that for X number of votes  
14 for Trump, Biden would get more votes and  
15 therefore, when they went back and checked  
16 it three times, it never balanced out. So  
17 the report is that that's clear evidence  
18 that in that county, the Dominion machine  
19 was used to fix the vote. And then it had  
20 all the contradictions pointing out that  
21 the president of Dominion lied, that it  
22 was accessible to the Internet, that it  
23 was used to communicate through the  
24 Internet, and that votes would change  
25 four, five and six times.

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1 GIULIANI  
2 At that point you're sort of  
3 beyond Coomer, you've got the president of  
4 the company convicting himself. I mean a  
5 false exculpatory statement, I can't tell  
6 you how many people I've convicted with a  
7 false exculpatory statement. That's an  
8 extraordinary statement to tell people,  
9 the Michigan legislature, you can't access  
10 it by Internet and you can't change the  
11 vote and then you've got videotape showing  
12 people doing that.  
13 We also had acquired by that time  
14 the videotape from Georgia where a Georgia  
15 election official having gotten one of the  
16 machines shows you how to do it. You can  
17 actually see how you change the vote, how  
18 you plug in the Internet.  
19 I also seem to recall seeing from  
20 Detroit photographs of Internet  
21 connections to the machines that  
22 supposedly can't be connected to the  
23 Internet, and Phil Waldron showed me  
24 papers that captured the level, high level  
25 of Internet traffic coming out of the

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1 GIULIANI  
2 center in Philadelphia, the center in  
3 Pittsburgh, the center in Michigan. Most  
4 of the analysis was Michigan.  
5 Q. So this was all before --  
6 A. The point --  
7 MR. SIBLEY: Let him finish his  
8 question.  
9 THE WITNESS: The point is a week  
10 after Coomer, two weeks after Coomer,  
11 the thing has gone on way beyond his  
12 one comment that they fixed the  
13 election. He turned out to be right  
14 but he was no longer the key player.  
15 BY MR. CAIN:  
16 Q. Okay. The question focused on  
17 whether, when you say he was no longer the  
18 key player, my question was whether he was  
19 ever a player in the lawsuits that the  
20 campaign filed. And I'll tell you this,  
21 I'll make this representation, I've got  
22 every lawsuit that has been filed by the  
23 campaign and we've analyzed them, we have  
24 not seen anything about Dr. Coomer  
25 mentioned --

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1 GIULIANI  
2 A. You're talking about lawsuits  
3 that come after the press conference?  
4 Q. Yes, sir. So --  
5 A. That doesn't surprise me.  
6 Q. Okay. That's all I'm asking.  
7 A. Kind of makes sense.  
8 Q. You have now described at length  
9 that you moved on to the State  
10 legislature.  
11 A. The point of that statement was  
12 very, very revealing and very important.  
13 It turned out that the multitude of  
14 evidence corroborating it was much  
15 stronger and came from more powerful  
16 sources.  
17 Q. I don't understand that. The  
18 multitude of evidence corroborating the  
19 Coomer --  
20 A. When he said it, we hadn't had  
21 the forensic report back yet.  
22 Q. Which --  
23 A. Financial.  
24 Q. Well, you know that's been  
25 debunked by the Michigan republicans.

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1 GIULIANI  
2 MR. SIBLEY: Object to form.  
3 THE WITNESS: It hasn't been  
4 debunked at all. That's a matter of  
5 litigation that it's been debunked.  
6 Michigan republicans have done  
7 everything they can to try to cover  
8 this up.  
9 BY MR. CAIN:  
10 Q. Have you seen the report?  
11 A. Of course I have.  
12 Q. Why have they covered it up?  
13 A. Everything they say there isn't  
14 true, none of it's true. There wasn't a  
15 glitch. They don't even locate the  
16 glitch. They just say it. It's like the  
17 new 1984 we live in. The court in  
18 Philadelphia, you walk in and you say the  
19 law says we have to be present. Okay, you  
20 can be present. 70 yards away you don't  
21 get to see anything. That isn't what  
22 present means. That's what it means in  
23 1984.  
24 A good deal of the Michigan  
25 republican party is not in support of

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1 GIULIANI  
2 Donald Trump, has never been. They are  
3 very much influenced by their loyalties  
4 to -- to the governor, former governor and  
5 the report is completely self-serving.  
6 The report goes nowhere in explaining the  
7 key facts.  
8 Q. Why --  
9 A. Why would a machine, basic facts  
10 like why do you have a machine where you  
11 can change the vote and you've been -- and  
12 you've been -- and you've been selling it  
13 and lying to people that it can't be done?  
14 How can you possibly tell people the  
15 machine is invulnerable when every study  
16 ever done of it comes to the conclusion  
17 that it is either vulnerable or so bad  
18 it's a piece of Swiss cheese? How does it  
19 deal with all of the major opportunities  
20 that were revealed in Texas for invading  
21 the machine, all of which corroborate what  
22 was found in Antrim County and contradict  
23 them?  
24 Q. When you -- sorry.  
25 A. Nor does it give an explanation

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1 GIULIANI  
2 of how the vote changed. It doesn't give  
3 an explanation of how -- what happened,  
4 did the Holy Ghost come in and kind of  
5 move the votes around or did somebody  
6 change the machine? I think the second is  
7 more likely.  
8 It doesn't explain what the heck  
9 all those computer wires were doing  
10 plugged into the machines in Detroit when  
11 you're not supposed to plug computer wires  
12 into the machines, into the Antrim  
13 machines. It's a piece of junk that was  
14 produced to perpetrate Dominion's massive  
15 coverup.  
16 Q. And you're saying Dominion and/or  
17 Dr. Coomer were complicit in that?  
18 A. I don't -- I can't tell you  
19 Dr. Coomer was complicit in that. I don't  
20 know how much his role continued after he  
21 made that statement. As far as I know,  
22 unless they are hiding him somewhere,  
23 either he left or they tossed him out.  
24 Q. He was in the courthouse on  
25 Wednesday of this week waiting for one of

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1 GIULIANI  
2 the defendants to testify who had been  
3 ordered to testify there who didn't show  
4 up, and that person is the guy you  
5 referred to earlier, I think incorrectly.  
6 His name is Joe Oltmann.  
7 MR. SIBLEY: Objection, form.  
8 THE WITNESS: What did I call  
9 him?  
10 BY MR. CAIN:  
11 Q. You said Joe Olzheimer. Do you  
12 know who I'm talking about?  
13 A. We're talking about the same  
14 person.  
15 Q. Okay. Have you met him, Oltmann?  
16 A. I don't believe I have but I'm  
17 not sure. I met a lot of people who came  
18 by and said I gave you this, I gave you  
19 that, I gave you this, I gave you that.  
20 If I've met him anytime but within the  
21 two- or three-week period when he was in  
22 the focus of my conversation, I wouldn't  
23 remember.  
24 Q. Did you review anything like an  
25 affidavit from him about this alleged call

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<p>1 GIULIANI</p> <p>2 or anything like that as part of your</p> <p>3 investigation?</p> <p>4 A. Before I made the statement?</p> <p>5 Q. Yes, sir.</p> <p>6 A. No, I saw no denial by him that</p> <p>7 he made -- no denial from him that he made</p> <p>8 the statement.</p> <p>9 Q. By Dr. Coomer?</p> <p>10 A. I've seen denials after but the</p> <p>11 critical point is at the time that I made</p> <p>12 the statement, I don't see what it is,</p> <p>13 particularly in my position as the lawyer</p> <p>14 for a client who should be seeing things</p> <p>15 in the light most favorable to your</p> <p>16 client, why I would ever think that it</p> <p>17 wasn't -- I shouldn't take it at its face.</p> <p>18 Everything I knew suggested I should take</p> <p>19 it at its face. Nothing I knew suggested</p> <p>20 that it was false.</p> <p>21 Suppose he had made that</p> <p>22 statement and I looked at the history of</p> <p>23 the company and I didn't see Sequoia</p> <p>24 there, I didn't see all the problems in</p> <p>25 Chicago. I didn't even mention the other</p> <p style="text-align: right;">Page 114</p>	<p>1 GIULIANI</p> <p>2 reason why I wouldn't say about him what I</p> <p>3 absolutely believe to be true. Absolutely</p> <p>4 not, and I have plenty of support for it.</p> <p>5 There wasn't a single thing that suggested</p> <p>6 that it wasn't true, and we've got to deal</p> <p>7 with the time it was said.</p> <p>8 I can line up like 20 facts, all</p> <p>9 of which make what he said plausible, that</p> <p>10 he fixed -- that his company fixed the</p> <p>11 evidence, or fixed the case and that they</p> <p>12 were going to screw Trump, including one</p> <p>13 of the most important things you use in</p> <p>14 determining credibility which is motive</p> <p>15 and ability.</p> <p>16 Did he have the motive to do it?</p> <p>17 Yeah, big time. Did he have the ability</p> <p>18 to do it or did his company have the</p> <p>19 ability to do it? Absolutely.</p> <p>20 Particularly the one that he came from.</p> <p>21 Q. I asked you for your theory on</p> <p>22 how that would be accomplished. You said</p> <p>23 he had the ability or his company had the</p> <p>24 ability to do it. I assume you meant rig</p> <p>25 the election in some form or fashion, and</p> <p style="text-align: right;">Page 116</p>
<p>1 GIULIANI</p> <p>2 reports that I saw that they were involved</p> <p>3 in questionable elections in Argentina</p> <p>4 elsewhere. Suppose what I saw instead was</p> <p>5 a big long record of a very, very clean</p> <p>6 company that never had a question raised</p> <p>7 about it, maybe you would say oh well.</p> <p>8 Instead I see a record of a company that</p> <p>9 looks like it smells to high heaven and I</p> <p>10 didn't see the kill, kill, kill, what's</p> <p>11 the name of that documentary, kill plan,</p> <p>12 kill plan?</p> <p>13 MR. JOHNSON: Kill Chain.</p> <p>14 A. I didn't see that beforehand.</p> <p>15 I'd been told about it. I'd been told</p> <p>16 that that was true but if you go to Kill</p> <p>17 Chain, you can see them do it in broad</p> <p>18 daylight and they bring out the whole</p> <p>19 history that I knew a year earlier so I</p> <p>20 don't understand what he's complaining</p> <p>21 about.</p> <p>22 Q. You don't understand what</p> <p>23 Dr. Coomer is complaining about?</p> <p>24 A. There would be no reason, there</p> <p>25 would be no reason, there would be no</p> <p style="text-align: right;">Page 115</p>	<p>1 GIULIANI</p> <p>2 I haven't heard an answer to how Dominion</p> <p>3 or Dr. Coomer would have done that.</p> <p>4 MR. ZAKHEM: Object to form.</p> <p>5 THE WITNESS: Hypothetical as to</p> <p>6 how they would do it? You go watch</p> <p>7 the movie.</p> <p>8 BY MR. CAIN:</p> <p>9 Q. Oh, you're referring to Kill</p> <p>10 Chain?</p> <p>11 A. Or not to just Kill Chain, the</p> <p>12 people beforehand who told me how you do</p> <p>13 it. Or the lady from Georgia, I don't</p> <p>14 know, 90 miles out of Atlanta who's got</p> <p>15 the machine and shows you how to change</p> <p>16 the vote. She shows you three times she</p> <p>17 does the vote and each time it comes out</p> <p>18 different, or all the wires I saw plugged</p> <p>19 into the Internet, or all the capture I</p> <p>20 saw of the Internet traffic coming in and</p> <p>21 out of those machines, some of it headed</p> <p>22 to Germany, traced, when the company</p> <p>23 maintains it's not vulnerable.</p> <p>24 Q. Who showed you the German --</p> <p>25 Germany Internet traffic part of this?</p> <p style="text-align: right;">Page 117</p>

<p>1                   GIULIANI</p> <p>2     A. Phil.</p> <p>3     Q. Phil did?</p> <p>4     A. I think it was during the --</p> <p>5 let's see how it fits in the chronology.</p> <p>6 I knew about it, I think we presented it</p> <p>7 in Michigan because that's where it was --</p> <p>8 I sort of thought of Michigan as the</p> <p>9 center of the Dominion fraud and so we</p> <p>10 focused on all of the Internet traffic in</p> <p>11 and out of there, it was substantial, and</p> <p>12 that's the one that was traced to Germany</p> <p>13 and then traced to a main mass computer in</p> <p>14 Frankfurt, Germany that has since</p> <p>15 disappeared. Not there anymore. Flew</p> <p>16 away.</p> <p>17       These are all great facts for an</p> <p>18 ex-prosecutor. There would be no -- if my</p> <p>19 client came to me and said this is what I</p> <p>20 know about this guy, under prevailing law</p> <p>21 that protects the first amendment and can</p> <p>22 you make that statement, I would have said</p> <p>23 yeah, absolutely. Every fact corroborates</p> <p>24 it. I don't see a fact that doesn't.</p> <p>25    Q. Did --</p> <p style="text-align: right;">Page 118</p>	<p>1                   GIULIANI</p> <p>2     Q. Okay.</p> <p>3     A. I can't tell you if somebody on</p> <p>4 the team didn't interview him.</p> <p>5     Q. And you've mentioned the word</p> <p>6 credibility.</p> <p>7     A. I think somebody interviewed him.</p> <p>8     Q. You said the story was credible</p> <p>9 and then you gave your reasons.</p> <p>10       Do you have any knowledge about</p> <p>11 this source, Mr. Oltmann, that led you to</p> <p>12 believe he was credible?</p> <p>13     A. No, I didn't have any information</p> <p>14 that he wasn't. I mean the way it works</p> <p>15 in a fast-moving case, I used to do liable</p> <p>16 cases, right, it's not my job in a</p> <p>17 fast-moving case to go out and investigate</p> <p>18 every piece of evidence that's given to</p> <p>19 me, otherwise you're never going to write</p> <p>20 a story, you never come to a conclusion.</p> <p>21       There was nothing presented to me</p> <p>22 that suggested that he wasn't telling the</p> <p>23 truth and it wasn't a situation where I</p> <p>24 was the head of the FBI and I could go</p> <p>25 subpoena his records, his files, send out</p> <p style="text-align: right;">Page 120</p>
<p>1                   GIULIANI</p> <p>2     A. You're at a very early stage of</p> <p>3 the proceeding. It's completely</p> <p>4 inconsistent to expect a much further</p> <p>5 investigation two weeks into your</p> <p>6 investigation when you're getting ready to</p> <p>7 put cases together. We had every</p> <p>8 intention of putting them in a case at</p> <p>9 that point. The only thing that changed</p> <p>10 that was the change in strategy.</p> <p>11       Soon after, that the strategy</p> <p>12 changed because we acquired more evidence</p> <p>13 and we were convinced that we would get</p> <p>14 nowhere in the courts and that we had to</p> <p>15 go -- we had to go -- and that the courts</p> <p>16 didn't really have the role of fixing</p> <p>17 this, the Constitution had given that role</p> <p>18 to the State legislatures.</p> <p>19     Q. Maybe it's where you weren't</p> <p>20 looking that matters to my client. In the</p> <p>21 sense of Mr. Oltmann who says he was on</p> <p>22 this call, I take it from your testimony</p> <p>23 you or your team didn't interview him</p> <p>24 about that call?</p> <p>25     A. I didn't interview him.</p> <p style="text-align: right;">Page 119</p>	<p>1                   GIULIANI</p> <p>2 five agents and go see him. I had to rely</p> <p>3 on what I was getting and what I was</p> <p>4 getting was the picture of a man who hated</p> <p>5 the president, sure as heck seems like the</p> <p>6 kind of guy that would love to see a case</p> <p>7 fixed, works for a company that has a</p> <p>8 reputation for fixing cases that has the</p> <p>9 capacity to do it. He works for the worst</p> <p>10 company you can work for, Sequoia, the one</p> <p>11 that was tossed out. Why the heck</p> <p>12 wouldn't I believe him? I would have to</p> <p>13 have been a terrible lawyer that would</p> <p>14 like to exercise -- rather than giving my</p> <p>15 client the benefit of the doubt, I'd like</p> <p>16 to exercise every single thing I could</p> <p>17 against my client, gee, let's go find out</p> <p>18 it's untrue. I didn't have the time to do</p> <p>19 that, and there was nothing that said to</p> <p>20 me I should do it. There's no red flag</p> <p>21 that came up that said wait a second, this</p> <p>22 guy is a boy scout.</p> <p>23       I'm constrained by time.</p> <p>24 Constrained by time, I don't mean the</p> <p>25 press conference time, I mean the</p> <p style="text-align: right;">Page 121</p>



<p>1 GIULIANI</p> <p>2 realistic time. The caucus had already</p> <p>3 run it, the election's over, press is</p> <p>4 closing down, the censorship is</p> <p>5 unconstitutional, oppressive, almost</p> <p>6 fascist in the way it was done. You</p> <p>7 couldn't get on NBC, you couldn't get on</p> <p>8 CBS, because they decided this shouldn't</p> <p>9 be presented and they knew none of the</p> <p>10 facts. All they knew was we're going to</p> <p>11 screw Trump and we're going to put Biden</p> <p>12 in. I wasn't living in a dream world, I</p> <p>13 was living in the real world we live in.</p> <p>14 Q. Okay. Let's do this. I --</p> <p>15 A. If I wanted to hurt him</p> <p>16 unnecessarily I would have mentioned him</p> <p>17 all the time way beyond what the facts</p> <p>18 indicated. I didn't do that. I mentioned</p> <p>19 him proportionately based on the</p> <p>20 information I had and there wasn't a</p> <p>21 single bit of information to suggest that</p> <p>22 it wasn't true.</p> <p>23 Now if you tell me, give me five</p> <p>24 weeks to investigate it, or you give me</p> <p>25 the resources of the FBI, then maybe I</p> <p style="text-align: right;">Page 122</p>	<p>1 GIULIANI</p> <p>2 to you at the press conference, don't say</p> <p>3 anything about Dr. Coomer.</p> <p>4 MR. ZAKHEM: Is that a question?</p> <p>5 BY MR. CAIN:</p> <p>6 Q. Did you consider that option?</p> <p>7 MR. SIBLEY: Objection to form.</p> <p>8 THE WITNESS: It was my</p> <p>9 obligation at that time to give the</p> <p>10 public all the facts that I had</p> <p>11 because we had had an unprecedented</p> <p>12 three weeks of censorship unheard of</p> <p>13 in the United States which had</p> <p>14 followed three months of censorship on</p> <p>15 the Hunter Biden hard drive, which the</p> <p>16 American people elected a president</p> <p>17 without knowing the complete evidence</p> <p>18 of how he was engaged for 30 years of</p> <p>19 taking bribes through his son, which</p> <p>20 his son spells out in great deal in</p> <p>21 the hard drive and the American people</p> <p>22 have never seen it. The son points</p> <p>23 out that for 30 years he collected</p> <p>24 money for his father and he gave him</p> <p>25 half of it. Very few people know that</p> <p style="text-align: right;">Page 124</p>
<p>1 GIULIANI</p> <p>2 could have done something else but I don't</p> <p>3 think it's fair to say oh gee, you didn't</p> <p>4 conduct a big contrary investigation of</p> <p>5 him. I don't have the time to do it, I</p> <p>6 don't have the resources to do it and</p> <p>7 there was nothing that said to me or I</p> <p>8 would have done it. Nothing that said to</p> <p>9 me, oh this guy -- this is incredible, it</p> <p>10 doesn't make sense, this guy isn't this</p> <p>11 kind of guy. I don't know, he worked for</p> <p>12 a company that was a screwed up company,</p> <p>13 or this guy really seems neutral about</p> <p>14 politics or he likes Trump, why the hell</p> <p>15 would he do it? Instead I've got a guy</p> <p>16 that's off the charts hating him and I've</p> <p>17 got a company that knows how to do it and</p> <p>18 I've got a whole bunch of other people</p> <p>19 yelling and screaming that it was done.</p> <p>20 Why would I doubt it? I would</p> <p>21 have been I think -- I think I would have</p> <p>22 been a -- I think that would be pretty</p> <p>23 close to malpractice if I hadn't credited</p> <p>24 that statement for my client.</p> <p>25 Q. You had another option available</p> <p style="text-align: right;">Page 123</p>	<p>1 GIULIANI</p> <p>2 because NBC, ABC, CBS, all the other</p> <p>3 BB's numbers, The New York Times, the</p> <p>4 New York Post, almost every major</p> <p>5 newspaper but the New York Post, every</p> <p>6 one of the cable stations except FOX,</p> <p>7 OAN and Newsmax refused to print the</p> <p>8 words of Hunter Biden and instead</p> <p>9 created the completely false story</p> <p>10 that it was Russian disinformation</p> <p>11 which has been completely --</p> <p>12 BY MR. CAIN:</p> <p>13 Q. Sir, we're not talking about</p> <p>14 Hunter Biden.</p> <p>15 A. No, no, what we're talking about</p> <p>16 is the atmosphere in which I was</p> <p>17 conducting this investigation. This</p> <p>18 wasn't a fair and balanced atmosphere. I</p> <p>19 was conducting this investigation in an</p> <p>20 atmosphere in which if you were to say</p> <p>21 anything unfavorable to Biden, it didn't</p> <p>22 get published. It could be the piece of</p> <p>23 paper that Hunter Biden signed to buy a</p> <p>24 gun, lying about the fact that he was a</p> <p>25 drug addict and having the gun but not</p> <p style="text-align: right;">Page 125</p>

<p>1 GIULIANI 2 getting prosecuted for it. It could be 3 the report of the niece of Hunter Biden, a 4 minor who said that Hunter Biden was 5 dangerous to the child that was covered up 6 by the FBI and not covered by the 7 newspapers, or it could be any statement I 8 made about the election which they would 9 not cover. So when I got an opportunity 10 to put out facts that pointed in the 11 direction of they fixed the election, I 12 was going to put them out. 13 Q. And that's why you -- 14 A. I had every obligation to do it. 15 The American people had a right to hear 16 this. It was being kept from them. The 17 Antrim audit was being kept from them. 18 This man made a startling statement and 19 he's a man who has the background where 20 that statement is credible and he's in an 21 organization that has the capability to do 22 exactly what he said and there wasn't a 23 single thing I knew about him that 24 suggested it wasn't true. 25 Again I'm not the FBI, I wasn't</p> <p style="text-align: right;">Page 126</p>	<p>1 GIULIANI 2 and it sounds like you're 3 transitioning here. Is this a good 4 time for a break? 5 MR. CAIN: Give me a few more 6 minutes, Barry, and then I will. 7 BY MR. CAIN: 8 Q. The next question was have you 9 heard the term trial by press conference? 10 A. I have. 11 Q. You've used that term? 12 A. Yes. 13 Q. All right. Was this trial by 14 press conference? 15 A. No, sir. 16 Q. Why not? 17 A. It was an investigation by press 18 conference. It was laying out the facts 19 that we had to explain where we were 20 going. We didn't pronounce him guilty. 21 We laid out the facts that we had. For 22 triers of fact -- for example, the one 23 that you're referring to, the Attorney 24 General several times opined on the 25 credibility of the witnesses and said that</p> <p style="text-align: right;">Page 128</p>
<p>1 GIULIANI 2 finding him guilty of a crime. I was 3 beginning the process of determining 4 whether we should pursue him and then all 5 of a sudden he got overwhelmed by fish 6 much bigger than him and evidence much 7 bigger than him. 8 Q. So you mentioned in the press 9 conference that we still haven't actually 10 looked at, we haven't looked at the video 11 of the press conference and we may not 12 have time, you mentioned that it was 13 essentially your opening statement for the 14 litigation that was going to proceed at 15 that point; right? Do you remember saying 16 that? 17 A. I do -- I remember actually, yes, 18 I was responsible. I think Jenna really 19 took over that portion of it to describe 20 it as an opening statement but yes, I 21 think I referred to it as that and then 22 she spelled it out. 23 Q. Have you heard the term -- 24 MR. ARRINGTON: Charlie, this is 25 Barry. We've been going quite a while</p> <p style="text-align: right;">Page 127</p>	<p>1 GIULIANI 2 the women are telling the truth. 3 Q. You're talking about the tweet 4 you sent about the Attorney General? 5 A. Yes, yeah, yeah, yeah. I didn't 6 say that in the press conference. I said 7 this is what he said. This is what I'm 8 told about. This is what we're 9 investigating. 10 First of all, it was a civil 11 case, not a criminal case. I was pursuing 12 civil cases. The rules are completely 13 different. Number two, I didn't make a 14 finding on who was telling the truth or 15 not. I laid out what I knew, and what I 16 knew I had no reason to believe was untrue 17 which I litigated many times against 18 Sullivan cases. I couldn't possibly 19 imagine that there's some liability 20 attached to that. There wasn't a single 21 fact available to me that suggested what I 22 was saying was untrue and there's plenty 23 of opportunity for him to respond to it. 24 He can respond orally, he can respond to 25 it in court.</p> <p style="text-align: right;">Page 129</p>

<p>1 GIULIANI</p> <p>2 Q. Well, he is.</p> <p>3 MR. ZAKHEM: Objection to form.</p> <p>4 THE WITNESS: So I have no idea</p> <p>5 how anybody can contort that into</p> <p>6 under modern law a defamation case</p> <p>7 given the Times against Sullivan</p> <p>8 standard, that I have to virtually</p> <p>9 know it's untrue when I say it or I</p> <p>10 have to be reckless beyond any</p> <p>11 definition of reckless. I think it's</p> <p>12 a burdensome lawsuit that takes</p> <p>13 advantage of our system and puts a</p> <p>14 burden on people being able to</p> <p>15 communicate but that's been the --</p> <p>16 that's been the strategy of Dominion</p> <p>17 to do that, to intimidate people.</p> <p>18 I mean Dominion is guilty as sin.</p> <p>19 Dominion hasn't explained the false</p> <p>20 statements by their own. They haven't</p> <p>21 explained all these videos out there</p> <p>22 showing how you can change votes. You</p> <p>23 can intercept it by the Internet, and</p> <p>24 most telling of all, they won't give</p> <p>25 anybody a machine to look at.</p> <p style="text-align: right;">Page 130</p>	<p>1 GIULIANI</p> <p>2 anything wrong with it, anything contrary</p> <p>3 to it.</p> <p>4 MR. CAIN: Let's do this,</p> <p>5 Mr. Arrington has asked for a break.</p> <p>6 THE WITNESS: Is that who it was?</p> <p>7 MR. CAIN: Yes, sir. So let's go</p> <p>8 ahead and take a break and figure out</p> <p>9 where we are at.</p> <p>10 THE VIDEOGRAPHER: We're off the</p> <p>11 record at approximately 12:01 p.m.</p> <p>12 (Recess taken from 12:01 p.m. to</p> <p>13 12:23 p.m. )</p> <p>14 THE VIDEOGRAPHER: We're back on</p> <p>15 the record at approximately 12:24 p.m.</p> <p>16 BY MR. CAIN:</p> <p>17 Q. All right, Mr. Giuliani, we've</p> <p>18 got about 45 minutes or so on the record</p> <p>19 so let's do a lightning round.</p> <p>20 A. Okay, we'll try.</p> <p>21 Q. Try to maybe ask --</p> <p>22 A. I will do the best I can.</p> <p>23 Q. -- as many yes/no questions as I</p> <p>24 can. But I want to circle back to</p> <p>25 Mr. Oltmann and some of this you talked</p> <p style="text-align: right;">Page 132</p>
<p>1 GIULIANI</p> <p>2 BY MR. CAIN:</p> <p>3 Q. You say they are guilty as sin</p> <p>4 but ultimately that's for a court to</p> <p>5 decide, not you; right?</p> <p>6 MR. SIBLEY: Objection to form.</p> <p>7 THE WITNESS: This isn't a press</p> <p>8 conference.</p> <p>9 BY MR. CAIN:</p> <p>10 Q. No, it's not.</p> <p>11 A. This is a private deposition.</p> <p>12 Q. And ultimately you would agree</p> <p>13 that the judge sitting on this case is to</p> <p>14 decide those types of issues, not you or</p> <p>15 frankly not me?</p> <p>16 A. Actually I think in this case he</p> <p>17 doesn't get to decide guilt or innocence</p> <p>18 at all. He gets to decide --</p> <p>19 Q. She.</p> <p>20 A. Oh, I'm sorry. She gets to</p> <p>21 decide whether or not I knew that I was</p> <p>22 lying when I said that or I was just about</p> <p>23 totally irresponsible in saying it when</p> <p>24 there wasn't a single thing that pointed</p> <p>25 me in the direction that there wasn't</p> <p style="text-align: right;">Page 131</p>	<p>1 GIULIANI</p> <p>2 about, so forgive me. But number one, you</p> <p>3 never talked to Joe Oltmann directly;</p> <p>4 correct?</p> <p>5 A. I don't believe so.</p> <p>6 Q. You never reviewed or listened to</p> <p>7 a recording of the Antifa conference call;</p> <p>8 correct?</p> <p>9 A. I don't think so. I don't think</p> <p>10 so. I guess I wouldn't be shocked if I</p> <p>11 did but I don't recall.</p> <p>12 Q. You never talked to any of the</p> <p>13 other folks that were allegedly on this</p> <p>14 call, the other witnesses?</p> <p>15 A. The Antifa people?</p> <p>16 Q. Yes, sir.</p> <p>17 A. No, I didn't talk, nor do I think</p> <p>18 it was even conceivable they would talk to</p> <p>19 me.</p> <p>20 Q. You never reviewed any of the</p> <p>21 notes that were taken by Mr. Oltmann of</p> <p>22 the call, did you?</p> <p>23 A. Not unless they showed it to me.</p> <p>24 I mean they would know better. They</p> <p>25 showed me something about the call, some</p> <p style="text-align: right;">Page 133</p>

<p>1 GIULIANI</p> <p>2 pieces of paper about it so I can't tell</p> <p>3 you if I did or I didn't.</p> <p>4 Q. You don't know?</p> <p>5 A. I don't know. I did review some,</p> <p>6 could have been their memo, it could have</p> <p>7 been notes but they had something they</p> <p>8 were briefing me from written down.</p> <p>9 Q. Neither you nor your team</p> <p>10 attempted to contact Dr. Coomer?</p> <p>11 A. Not that I know of.</p> <p>12 Q. Neither you nor your team</p> <p>13 attempted to contact Dominion for response</p> <p>14 about Dr. Coomer?</p> <p>15 A. No.</p> <p>16 Q. In terms of internally at the</p> <p>17 campaign, you had access to research by</p> <p>18 the communications department on these</p> <p>19 subjects, did you not?</p> <p>20 A. I did, yeah.</p> <p>21 Q. Did you ever look -- this is an</p> <p>22 open-ended question, did you ever look at</p> <p>23 research that was compiled by the</p> <p>24 communications department on Dr. Coomer?</p> <p>25 A. I'm sure I did.</p> <p style="text-align: right;">Page 134</p>	<p>1 GIULIANI</p> <p>2 Q. I was hoping you could tell me</p> <p>3 what it is.</p> <p>4 A. (Witness perusing document.)</p> <p>5 Q. Let's do this. The reason I want</p> <p>6 you to familiarize yourself with it</p> <p>7 because I'm going to ask you if that</p> <p>8 refreshes your memory as to whether you</p> <p>9 had seen this before. So just flip</p> <p>10 through the pages as you see fit to</p> <p>11 familiarize yourself with it.</p> <p>12 A. (Witness perusing document.)</p> <p>13 Q. Does that refresh your</p> <p>14 recollection at all?</p> <p>15 A. Some of the names do but not the</p> <p>16 document itself.</p> <p>17 Q. Okay. So as you sit here today,</p> <p>18 you don't think this document was provided</p> <p>19 to you by the campaign?</p> <p>20 A. I don't think so.</p> <p>21 Q. What is the function as you</p> <p>22 understand it for the research department</p> <p>23 under the communications umbrella for the</p> <p>24 campaign, if you know?</p> <p>25 A. I don't know really. I wasn't</p> <p style="text-align: right;">Page 136</p>
<p>1 GIULIANI</p> <p>2 Q. Okay. Let me show you what has</p> <p>3 previously been marked as Exhibit 68, and</p> <p>4 while you're looking at that, it appears</p> <p>5 to be the same document twice but I just</p> <p>6 wanted to produce to you what was produced</p> <p>7 to us by the Trump campaign. Are you with</p> <p>8 me?</p> <p>9 A. This has been produced by the</p> <p>10 Trump campaign?</p> <p>11 Q. Yes, sir. That TC Bates on the</p> <p>12 bottom right means Trump campaign.</p> <p>13 A. Okay, sure, right.</p> <p>14 Q. I'll give you a minute to</p> <p>15 familiarize yourself with this document.</p> <p>16 A. It doesn't look familiar.</p> <p>17 Q. Since it doesn't look familiar to</p> <p>18 you --</p> <p>19 A. That doesn't mean I didn't see</p> <p>20 it. I mean a lot of things aren't going</p> <p>21 to look familiar that I saw. I saw 10,000</p> <p>22 documents.</p> <p>23 Q. Okay, take a brief moment to just</p> <p>24 flip through it so you know.</p> <p>25 A. Can you tell me what it is?</p> <p style="text-align: right;">Page 135</p>	<p>1 GIULIANI</p> <p>2 running the campaign and had nothing to do</p> <p>3 with the campaign until the very last</p> <p>4 minute. My main function was these cases</p> <p>5 that were two weeks behind so I didn't</p> <p>6 spend an awful lot of time involved with</p> <p>7 the campaign.</p> <p>8 Q. All right, well, let's --</p> <p>9 A. I have no idea how they set up</p> <p>10 their research department, their</p> <p>11 communications department.</p> <p>12 Q. Let's orient ourself really quick</p> <p>13 on Exhibit 68.</p> <p>14 A. Some of these things seem wrong</p> <p>15 but I haven't seen it.</p> <p>16 Q. Okay. Sir, page -- as e-mails</p> <p>17 are --</p> <p>18 A. Looks to me like -- okay, looks</p> <p>19 like propaganda.</p> <p>20 Q. Can you just turn to the second</p> <p>21 page of the --</p> <p>22 A. Sure.</p> <p>23 Q. -- the beginning of the exhibit?</p> <p>24 A. Does it refer to Mr. Coomer?</p> <p>25 Q. We'll get to it. It does.</p> <p style="text-align: right;">Page 137</p>

<p>1 GIULIANI</p> <p>2 A. Page 2?</p> <p>3 Q. Yes, sir. I'm just going to</p> <p>4 orient you. On page 2, it's the beginning</p> <p>5 of the e-mail chain. It's from a fellow</p> <p>6 named Zach Parkinson at DonaldTrump.com.</p> <p>7 It's dated December 13th and there's some</p> <p>8 recipients on the bottom.</p> <p>9 Mr. Parkinson worked for the</p> <p>10 campaign at this time; right?</p> <p>11 A. I guess he did.</p> <p>12 Q. You don't know him?</p> <p>13 A. Huh-uh.</p> <p>14 Q. This is dated Friday, November</p> <p>15 13, 2020. That would have been after the</p> <p>16 time that you were instructed by President</p> <p>17 Trump to head up the legal --</p> <p>18 A. Yes, sir.</p> <p>19 Q. -- part of the campaign. And we</p> <p>20 talked over each other again.</p> <p>21 That's after that time; right?</p> <p>22 A. Yeah, I don't know why he's</p> <p>23 trying to figure out if Poulos is</p> <p>24 connected to Antifa. Nobody ever alleged</p> <p>25 that.</p> <p style="text-align: right;">Page 138</p>	<p>1 GIULIANI</p> <p>2 A. I think the campaign had a</p> <p>3 different view of what should be done.</p> <p>4 The campaign in my opinion had checked out</p> <p>5 about three, four weeks before the</p> <p>6 election. They were pretty much convinced</p> <p>7 he was going to lose, they were looking</p> <p>8 for jobs, they were worried about their</p> <p>9 standing in the Washington community.</p> <p>10 When I walked in there and asked for all</p> <p>11 of the preparation for the draft</p> <p>12 complaints and the -- because I had been</p> <p>13 told they were ready for everything, I got</p> <p>14 nothing. They had done nothing.</p> <p>15 Several months earlier there had</p> <p>16 been a very, very big article that the</p> <p>17 democrats had put together a massive legal</p> <p>18 team to win this election and I was asked</p> <p>19 by the president to check and see what we</p> <p>20 had and it wasn't my role. I was not</p> <p>21 involved in that at the time but I did. I</p> <p>22 spent half a day. Although they wouldn't</p> <p>23 show me anything, they told me they were</p> <p>24 all prepared and I went back and I gave</p> <p>25 the president advice. I can't tell you</p> <p style="text-align: right;">Page 140</p>
<p>1 GIULIANI</p> <p>2 Q. Okay. Well, let's not try to</p> <p>3 interpolate it at this point.</p> <p>4 A. It does seem like it's kind of a</p> <p>5 useless dodge.</p> <p>6 Q. And you haven't seen this before?</p> <p>7 A. No, I haven't seen it. I mean I</p> <p>8 would have been really -- if this were</p> <p>9 handed to me at the time, I would have</p> <p>10 said what the hell are you looking at</p> <p>11 whether Poulos is connected to Antifa? We</p> <p>12 don't have time for that. Maybe he is.</p> <p>13 We don't have time for that.</p> <p>14 Q. Okay. So to my question, you</p> <p>15 were already heading up the legal portion</p> <p>16 of the campaign as of Friday, November</p> <p>17 13th at 5:13 p.m.?</p> <p>18 A. Yeah, and the campaign was doing</p> <p>19 everything it could to keep things from</p> <p>20 me, including undermining the litigation</p> <p>21 in Pennsylvania which is a totally</p> <p>22 different matter.</p> <p>23 Q. Explain what you mean by that,</p> <p>24 the campaign was trying to keep things</p> <p>25 from you?</p> <p style="text-align: right;">Page 139</p>	<p>1 GIULIANI</p> <p>2 what -- I'll tell you what I said, I can't</p> <p>3 tell you what he said. I told him --</p> <p>4 MR. SIBLEY: Don't tell them what</p> <p>5 you said, Rudy, if it's legal advice.</p> <p>6 A. Okay, then I won't tell you what</p> <p>7 I said.</p> <p>8 In any event, when I showed up</p> <p>9 there with my team, they took about 45</p> <p>10 minutes to show up themselves and I said</p> <p>11 I'm going to really need all the draft</p> <p>12 complaints. They didn't have any so we</p> <p>13 had to start from the beginning.</p> <p>14 They did have a complaint in --</p> <p>15 they were going about filing a complaint</p> <p>16 in Pennsylvania. Before I could spend any</p> <p>17 more time on that, Pennsylvania became a</p> <p>18 major issue because our people were being</p> <p>19 shut out in Pennsylvania and I sent Corey</p> <p>20 and the former Attorney General there.</p> <p>21 And when they came back, I said</p> <p>22 where's our Pennsylvania lawsuit? We</p> <p>23 don't have one so I started writing one</p> <p>24 myself with the lawyer who was in charge,</p> <p>25 Hicks, and it alleged fraud. And it had</p> <p style="text-align: right;">Page 141</p>

1 GIULIANI  
2 in it all of the -- much like the Michigan  
3 complaint which we submitted to you which  
4 outlines 100 affidavits, specific ones  
5 demonstrating fraud, we put together one  
6 for Pennsylvania like that and we  
7 submitted it. And the lawyer in charge,  
8 Mr. Hicks, had to resign because his law  
9 firm was pressuring him. He had refused  
10 to resign and then his wife received death  
11 threats.  
12 Q. But this isn't responsive to  
13 what --  
14 A. Yes, it is.  
15 Q. -- I was asking.  
16 A. And --  
17 Q. Let's get to the response part  
18 then.  
19 A. And without telling me, the  
20 campaign, although I was supposedly in  
21 charge, submitted its own complaint  
22 without fraud alleged in it.  
23 Q. Is that Justin Clark?  
24 A. Justin Clark and somebody else,  
25 Morgan something. And I think Morgan is

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1 GIULIANI  
2 the one who did this.  
3 I found out the night before the  
4 argument, even though I was going to argue  
5 the case, that I was going to argue the  
6 second complaint, not the one that I had  
7 drafted, so I made a quick motion before  
8 the judge for yet another amended  
9 complaint to restore our fraud.  
10 And the reason why this statement  
11 is used against me so often that I said  
12 there was no fraud is I didn't say there  
13 was no fraud in the case, I said there was  
14 no fraud in the complaint that had been  
15 substituted for my complaint because they  
16 didn't -- they didn't agree that we should  
17 go about the lawyer's task of trying to  
18 prove fraud in all of the different  
19 states.  
20 Q. And you disagreed with that?  
21 A. I knew that if that's what we  
22 did, even if we were to get it in court we  
23 wouldn't have proved anything that would  
24 overturn the election. The fact is that  
25 there was fraud and they never saw it.

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1 GIULIANI  
2 Not only did they never see it, they  
3 didn't have the energy to go investigate  
4 it. They were basically looking for jobs.  
5 Q. I think your --  
6 A. I mean I've been involved in  
7 many, many presidential campaigns. This  
8 campaign had checked out three weeks  
9 earlier and they undermined -- I even have  
10 memos --  
11 MR. SIBLEY: Let's not talk about  
12 memos.  
13 A. -- from Republican National  
14 Committee people and from other people on  
15 the campaign telling people not to  
16 cooperate with us, Jenna and me, because  
17 the republican party will do better if  
18 Trump loses, they'll collect more money.  
19 There was no question there was a major  
20 effort to undercut what we were doing.  
21 Q. So turmoil within the campaign  
22 because of --  
23 MR. ZAKHEM: Object to form.  
24 THE WITNESS: Well, it put us in  
25 a position where they were

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1 GIULIANI  
2 undercutting him, they wanted to  
3 defeat him. So when you give me this  
4 and it's done by the campaign, I don't  
5 know who they are working for. The  
6 complaint that was substituted for the  
7 complaint that I had worked out with  
8 Hicks completely subverted our theory  
9 of the case, was done in order to tank  
10 the case and was done without ever  
11 telling me, and there were more than a  
12 few acts like this.  
13 BY MR. CAIN:  
14 Q. Did you ask --  
15 A. It doesn't help me to show me  
16 something done by somebody I don't know.  
17 I mean this could have been done because  
18 he would have much preferred this thing  
19 all go away and the president just  
20 concede.  
21 Q. Okay. So did you have access to  
22 the research done by the communications  
23 department if you wanted it?  
24 A. I don't know why I'd want it.  
25 Why would I want the communications

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<p>1 GIULIANI</p> <p>2 department research? I'm a lawyer. They</p> <p>3 are politicians. Yes, I mean I might want</p> <p>4 specific things but I'm not going to use</p> <p>5 the communications department of the</p> <p>6 campaign to do legal research. Plus I</p> <p>7 didn't know what side the Trump campaign</p> <p>8 was working for.</p> <p>9 Q. So --</p> <p>10 A. I thought the majority of them</p> <p>11 were working for him to concede as soon as</p> <p>12 possible so they could move on to another</p> <p>13 job and so they wouldn't be criticized too</p> <p>14 heavily in the Washington Post because</p> <p>15 there was a tyranny of fear going on at</p> <p>16 the time pushed by the Post and anybody</p> <p>17 doing this is some kind of a maniac, right</p> <p>18 wing and it affected my people. It</p> <p>19 affected Hicks dropping out. It affected</p> <p>20 most of the people in the campaign acting</p> <p>21 based on their true loyalty, which is</p> <p>22 Washington politicians wanting to hold</p> <p>23 onto jobs in Washington and not wanting to</p> <p>24 go against the establishment, there was no</p> <p>25 fraud, there was no fraud.</p> <p>Page 146</p>	<p>1 GIULIANI</p> <p>2 Spain, you made comments in the press</p> <p>3 conference about Spain -- well, we may</p> <p>4 talk about that -- and Germany and Soros</p> <p>5 and Smartmatic and all that stuff, but in</p> <p>6 terms of the Coomer information on this</p> <p>7 document, if you'd turn to page 14.</p> <p>8 A. I think this is 14, TC 14?</p> <p>9 Q. Yes, sir. In the middle section</p> <p>10 of this campaign document, it says</p> <p>11 Dominion's leadership has no ties to</p> <p>12 Antifa, there is no evidence to the claim</p> <p>13 that Dominion's head of strategy and</p> <p>14 security has ties to Antifa. And then</p> <p>15 there's a little note. Similarly there's</p> <p>16 no evidence that Dominion's CEO, John</p> <p>17 Poulos, has ties to Antifa.</p> <p>18 And then it goes on to talk about</p> <p>19 an Internet rumor that a top-level</p> <p>20 employee has ties to Antifa and you can</p> <p>21 read it down there.</p> <p>22 In the middle it says the rumors</p> <p>23 are fueled because of now deleted</p> <p>24 antipolice Facebook posts.</p> <p>25 A. I don't see that.</p> <p>Page 148</p>
<p>1 GIULIANI</p> <p>2 Q. All right.</p> <p>3 A. Gee, I don't know, this nice</p> <p>4 little Indian lady says the democratic</p> <p>5 party in Michigan spent two weeks teaching</p> <p>6 how to cheat. Is she lying?</p> <p>7 Q. I don't know what you're</p> <p>8 referring to. If you turn to page --</p> <p>9 A. It's in the papers.</p> <p>10 Q. But I'm not asking you about the</p> <p>11 Indian lady at this point.</p> <p>12 A. I know you're not but you're</p> <p>13 asking me whether I have any confidence in</p> <p>14 this document and I'm explaining to you</p> <p>15 why I don't.</p> <p>16 Q. Let's actually look at it so you</p> <p>17 can respond to this.</p> <p>18 A. I didn't realize this came from</p> <p>19 one of the campaign people.</p> <p>20 Q. Yeah, it is a campaign document.</p> <p>21 A. I would have considered it a</p> <p>22 useless piece of information because I</p> <p>23 would not have known the motive behind it.</p> <p>24 Q. So in terms of the stuff -- we're</p> <p>25 not going to have time to talk about</p> <p>Page 147</p>	<p>1 GIULIANI</p> <p>2 Q. No, sir, it's down about</p> <p>3 two-thirds of the way down.</p> <p>4 Those rumors are fueled because</p> <p>5 of now deleted antipolice Facebook posts.</p> <p>6 A. Antipolice?</p> <p>7 Q. Yes, sir.</p> <p>8 A. A blogger under the pseudonym</p> <p>9 Conservative Treehouse alleged that</p> <p>10 Dr. Eric Coomer, who he claimed was head</p> <p>11 of strategy for Dominion, was a supporter</p> <p>12 of Antifa for now-deleted Facebook posts</p> <p>13 in which Coomer allegedly posted</p> <p>14 anti-police songs. They were posts that</p> <p>15 Dr. Eric Coomer posted in May. He is the</p> <p>16 man that is responsible for the</p> <p>17 strategy... noticed the anti-American</p> <p>18 sentiment. Eric Coomer is a major</p> <p>19 shareholder in Dominion voting, et cetera.</p> <p>20 Okay.</p> <p>21 Q. And then you go to the next page,</p> <p>22 there's actually the post that he's</p> <p>23 referring to.</p> <p>24 A. This is the post allegedly from</p> <p>25 Coomer?</p> <p>Page 149</p>

1 GIULIANI  
2 Q. Yes. And then after that post it  
3 says, however, there is -- the conclusion  
4 is however, there is no evidence that Eric  
5 Coomer is a supporter of Antifa in any  
6 way.  
7 Do you know if Dr. Coomer is  
8 involved as an Antifa member?  
9 MR. SIBLEY: Objection, form.  
10 THE WITNESS: I've seen, I  
11 thought they were tweets but they may  
12 be Facebook posts in which he was  
13 tweeting things that were supportive  
14 of what Antifa was doing.  
15 BY MR. CAIN:  
16 Q. Well, that might be two different  
17 questions.  
18 A. No, no, supportive of defunding  
19 the police, supportive of the riots.  
20 Q. What makes someone an Antifa  
21 member in your mind?  
22 A. I don't know the basis for  
23 admission to Antifa but the things that he  
24 texted and tweeted didn't so much say he  
25 was a member of Antifa, they supported

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1 GIULIANI  
2 Antifa in their campaign against the  
3 police.  
4 Q. Can you name or identify any  
5 structure to that organization? In other  
6 words, did they tell you that Dr. Coomer  
7 was in --  
8 A. I --  
9 MR. SIBLEY: Objection, form.  
10 BY MR. CAIN:  
11 Q. Let me finish.  
12 A. Okay.  
13 Q. -- a particular organization, a  
14 communist party group, you know, something  
15 along those lines that would support the  
16 notion that he is, quote, a member of  
17 Antifa, close quote?  
18 MR. SIBLEY: Objection, form.  
19 THE WITNESS: I didn't say he was  
20 a member of Antifa.  
21 BY MR. CAIN:  
22 Q. Okay. So you don't think he is?  
23 A. I don't know what I think, it's a  
24 long time ago. I'm telling you you  
25 mischaracterized what I said. There's a

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1 GIULIANI  
2 big difference between being a member of  
3 Antifa and being close to Antifa.  
4 Q. Okay, well, I'm trying to find  
5 out --  
6 A. Membership suggests that there's  
7 some kind of membership ceremony, that he  
8 underwent that ceremony and was a member  
9 of it and that I knew that. First of all,  
10 I don't know if there is a membership  
11 ceremony. I've represented organized  
12 crime groups that have it and organized  
13 crime groups that don't. Antifa could be  
14 an organized crime group, a terrorist  
15 group that doesn't have a membership  
16 ceremony. And I never asserted that he  
17 was a member because I wasn't told that.  
18 I was told that he was close to Antifa and  
19 that he tweeted or put on social media  
20 supportive comments of which two or three  
21 were shown to me and I was told there were  
22 more.  
23 Q. Okay. So close to --  
24 A. All it was really was just one  
25 piece of about 12 other pieces of

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1 GIULIANI  
2 corroborative evidence that it was  
3 certainly plausible that he'd be somebody  
4 who would want to fix the election against  
5 Donald Trump. He also had tweets about  
6 horrible things about Donald Trump saying  
7 terrible things about him.  
8 Q. And that's what makes him close  
9 to Antifa in your mind?  
10 MR. SIBLEY: Objection to form.  
11 THE WITNESS: No, no, no, you  
12 didn't listen to what I said. I said  
13 this is just one piece of evidence of  
14 12 or 13 others that made it plausible  
15 that it was true that he knew that the  
16 election was going to be fixed.  
17 BY MR. CAIN:  
18 Q. Plausible that it's true that he  
19 knew that the election was fixed?  
20 A. That's what I said.  
21 Q. That's what you were saying in  
22 the press conference?  
23 A. They are going to fix this  
24 election. He's completely warped about  
25 his comments about Trump and he

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<p>1 GIULIANI</p> <p>2 specifically says, this is the language,</p> <p>3 they are gonna fix this election. They</p> <p>4 are gonna fix -- should have said going,</p> <p>5 terrible English, my mother would be</p> <p>6 really upset -- they are gonna fix this --</p> <p>7 let's use the words I used rather than the</p> <p>8 words that you would like to think I used.</p> <p>9 I didn't say he was a member of Antifa so</p> <p>10 you should really correct that. I said</p> <p>11 he's close to Antifa, real big difference,</p> <p>12 and I didn't say that he fixed the</p> <p>13 election, I said he said that they are</p> <p>14 going to fix this election. So that's</p> <p>15 what we're talking about.</p> <p>16 Now, what was this? This, these</p> <p>17 statements, to me to be liable I'd have to</p> <p>18 know they are untrue. Instead I am</p> <p>19 confronted with 12 to 13 of pieces of</p> <p>20 evidence that suggest that he's the kind</p> <p>21 of guy that would say something like this,</p> <p>22 that this is true.</p> <p>23 Q. Is this Trump campaign memo</p> <p>24 consistent with your theory of the case?</p> <p>25 MR. SIBLEY: Objection, form.</p> <p style="text-align: right;">Page 154</p>	<p>1 GIULIANI</p> <p>2 relationship with Trump. These are people</p> <p>3 who could have been pulled out of the DNC</p> <p>4 and the DNC had more than a few memos</p> <p>5 indicating they were trying to undercut</p> <p>6 this entire effort. And there are a</p> <p>7 couple of things here that are kind of</p> <p>8 stupid, like they create straw men.</p> <p>9 No one suggested that Poulos was</p> <p>10 a member of Antifa. So you prove that</p> <p>11 Poulos isn't a member of Antifa. Come on,</p> <p>12 that's a phony job. I can pick that out</p> <p>13 in a second. I used to pull these apart.</p> <p>14 I know what this is.</p> <p>15 It's hard to believe but there</p> <p>16 was within the RNC in particular a</p> <p>17 never-Trumper group and they had to be</p> <p>18 fired. Right down to the end they were</p> <p>19 undercutting, including this guy Reamer.</p> <p>20 Q. Well, this memo was on November</p> <p>21 14th so they hadn't been fired at least as</p> <p>22 of the time you came on; right?</p> <p>23 A. No, I don't know who these people</p> <p>24 are which indicates to me they are also</p> <p>25 fairly low level.</p> <p style="text-align: right;">Page 156</p>
<p>1 GIULIANI</p> <p>2 THE WITNESS: This Trump campaign</p> <p>3 memo is useless. I would not have</p> <p>4 relied on this. I had to fire people</p> <p>5 in the Trump campaign for being spies</p> <p>6 and double-cross -- Eric Reamer was</p> <p>7 the general counsel. Eric Reamer, I</p> <p>8 have a text saying don't cooperate</p> <p>9 with Jenna and Rudy, it's over, it</p> <p>10 will hurt our getting a job. Oh, and</p> <p>11 by the way, we raise more money when</p> <p>12 Trump loses. This could very well</p> <p>13 have been written to help the</p> <p>14 opposition.</p> <p>15 BY MR. CAIN:</p> <p>16 Q. Any of these folks on, if you'll</p> <p>17 go back to the front, Zach Parkinson, Matt</p> <p>18 VanHyfte, H-Y-F-T-E, Jacki -- I'm going to</p> <p>19 butcher her last name -- Kotkiewicz --</p> <p>20 A. Yeah, nobody I know.</p> <p>21 Q. Dean Cleary.</p> <p>22 A. I knew the people closest to</p> <p>23 Trump and they don't fit in that category.</p> <p>24 Q. Okay.</p> <p>25 A. These are people who had no</p> <p style="text-align: right;">Page 155</p>	<p>1 GIULIANI</p> <p>2 Q. So these low-level folks --</p> <p>3 A. There's also a lot of work for</p> <p>4 them to put together which means to me it</p> <p>5 was probably fed to them. If you want a</p> <p>6 really good, solid investigatory</p> <p>7 conclusion, this is a put-up job. They</p> <p>8 didn't do this work. They didn't have the</p> <p>9 time to do this work.</p> <p>10 Q. Okay, so if you go to page 10.</p> <p>11 A. Or the capacity to do it. They</p> <p>12 weren't that good.</p> <p>13 Q. If you go to page 10 then since</p> <p>14 it has your picture on it and then we'll</p> <p>15 have to move on from this document. One</p> <p>16 of the things that you said at or around</p> <p>17 the time -- in the press conference itself</p> <p>18 actually you talked about the Smartmatic</p> <p>19 machines sending votes overseas, in this</p> <p>20 case to Spain or Germany. Do you remember</p> <p>21 that part of the press conference?</p> <p>22 A. I do.</p> <p>23 Q. Okay. And it shows a picture</p> <p>24 here of you making that claim on Fox News?</p> <p>25 A. Yes, sir.</p> <p style="text-align: right;">Page 157</p>

1 GIULIANI  
2 Q. And the conclusion below from  
3 this group was however, the only apparent  
4 evidence that votes were being counted in  
5 Spain was that Smartmatic is owned by a  
6 Spanish person. And then it cites to  
7 some --  
8 A. That's wrong. Phil -- well, it  
9 is wrong and it's right. The time that I  
10 said this, we thought it was sent to  
11 Spain. The votes actually were sent to  
12 Frankfurt, Germany. In fact, we thought  
13 incorrectly that the major computer was in  
14 Barcelona, Spain because that's the one  
15 they used to help to fix an Italian  
16 election in 2018.  
17 We found out, I can't tell you  
18 exactly when, but after it was -- at about  
19 the time that it was destroyed, although  
20 some votes may have been sent to  
21 Barcelona, that most of them went to  
22 Frankfurt, Germany, and there are analyses  
23 done of the traffic leaving Michigan going  
24 to Europe. And originally they thought it  
25 was Barcelona. I do think some went to

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1 GIULIANI  
2 Barcelona but the vast majority went to  
3 Frankfurt, Germany which is where the  
4 major computer was, which we were told was  
5 shared by Smartmatic and Dominion who did  
6 have a joint operating agreement. I know  
7 it says they didn't do business together.  
8 That's also not true.  
9 Q. So in terms of --  
10 A. This is very -- this is -- this  
11 information, I can tell you from the form  
12 of it because I know how those kids write.  
13 This is a corporate document. This was  
14 written by -- I don't understand why you  
15 can't see that. This isn't done by a -- a  
16 campaign doesn't do this. They don't have  
17 the capacity to do this.  
18 Q. I don't understand why they would  
19 want to mislead either you or any  
20 other campaign --  
21 A. Because there are memos saying  
22 they wanted to. I don't have to -- I  
23 don't have to speculate about it. I can  
24 show you memos saying they wanted to  
25 undercut what we were doing because they

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1 GIULIANI  
2 wanted Trump to lose because they could  
3 raise more money. Some of them thought  
4 Trump should never win in the first place.  
5 I mean how about the people in the  
6 administration that wrote those ridiculous  
7 letters that turned out to be untrue.  
8 Q. Well, how about the people in --  
9 A. He had spies in the organization  
10 that wanted him out.  
11 Q. How about the people in the  
12 administration that wrote reports about  
13 election fraud such as Chris Krebs and the  
14 CISA folks?  
15 MR. ZAKHEM: Object to form.  
16 BY MR. CAIN:  
17 Q. You were at one point,  
18 unofficially at least, on Trump's  
19 cybersecurity advisory committee; right?  
20 A. I was.  
21 Q. And you were there when CISA was  
22 created, weren't you?  
23 A. Um-hum.  
24 Q. Is that a yes?  
25 A. Yes, yes, yes.

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1 GIULIANI  
2 Q. And CISA, I mean you remember the  
3 report they issued about election  
4 security, it was right around this time.  
5 I think it was November 12th.  
6 MR. ZAKHEM: Objection to form.  
7 THE WITNESS: Yeah, it was so  
8 filled with contradictions and holes  
9 and things they didn't investigate and  
10 information they didn't even bother to  
11 share or get, questions they didn't  
12 ask, witnesses that they wouldn't  
13 listen to. They refused to  
14 investigate. They just wrote. That  
15 was a totally phony report.  
16 BY MR. CAIN:  
17 Q. Okay. So you --  
18 A. It isn't worth the paper it was  
19 written on. This could be the same thing.  
20 This looks to me like something that  
21 Dominion prepared for these guys. They  
22 wouldn't write it this way. This is a  
23 corporate type report.  
24 Q. Okay. So you discount --  
25 A. And in the period of time they

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<p>1 GIULIANI</p> <p>2 had, in the period of time they had, they</p> <p>3 could not have acquired all this</p> <p>4 information. This information had to be</p> <p>5 given to them. They are not smart enough</p> <p>6 to have acquired all this information, nor</p> <p>7 did they have enough time to do it. I've</p> <p>8 never seen such a professional work coming</p> <p>9 out of that operation. And I've seen lots</p> <p>10 of corporate stuff. This is a corporate</p> <p>11 document. This was done for Dominion to</p> <p>12 cover its ass.</p> <p>13 Q. So you discount that document, I</p> <p>14 understand your testimony.</p> <p>15 A. Nobody ever bothered to give it</p> <p>16 to me because they probably knew I would</p> <p>17 go crazy if I saw it. I would have picked</p> <p>18 this out in two seconds.</p> <p>19 Q. Probably.</p> <p>20 A. I would have said hey guys, I've</p> <p>21 only investigated people a hell of a lot</p> <p>22 more sophisticated than you, you're going</p> <p>23 to try to pass this off -- you're going to</p> <p>24 try to pass this off as a campaign</p> <p>25 document? I've seen a hundred campaign</p> <p style="text-align: right;">Page 162</p>	<p>1 GIULIANI</p> <p>2 THE WITNESS: Plus I knew there</p> <p>3 were people in the campaign that</p> <p>4 didn't know their -- that weren't</p> <p>5 particularly useful because they</p> <p>6 weren't particularly professional or</p> <p>7 smart.</p> <p>8 BY MR. CAIN:</p> <p>9 Q. Okay.</p> <p>10 A. And all these people that were</p> <p>11 sitting there, what I observed from the</p> <p>12 day I walked in there was most of the time</p> <p>13 it was my people that were the only people</p> <p>14 there. They had all taken off already.</p> <p>15 They were off looking for another job and</p> <p>16 I would have to demand they be there to</p> <p>17 get them to work. No way they would have</p> <p>18 had the energy to compile this. They were</p> <p>19 half asleep. I caught one of them under a</p> <p>20 desk one day.</p> <p>21 Q. Okay. So you discount that.</p> <p>22 We've established that. You discount</p> <p>23 CISA; right?</p> <p>24 A. I did publicly. I don't know if</p> <p>25 you recall.</p> <p style="text-align: right;">Page 164</p>
<p>1 GIULIANI</p> <p>2 documents that are nowhere near as</p> <p>3 professional as this. This is a corporate</p> <p>4 document fed to the campaign.</p> <p>5 Q. You've said that. And you</p> <p>6 discount -- is there any --</p> <p>7 A. Plus I never got to see it so</p> <p>8 what's the relevance of it? They never</p> <p>9 gave it to me.</p> <p>10 Q. And you didn't ask for it</p> <p>11 obviously?</p> <p>12 A. I didn't know it existed. How</p> <p>13 could I have -- would you give me the</p> <p>14 document I don't know exists.</p> <p>15 Q. You can go ask anybody in the</p> <p>16 campaign, is there any information or</p> <p>17 research on Dr. Coomer or Dominion?</p> <p>18 A. You think I had the time for</p> <p>19 that?</p> <p>20 MR. ZAKHEM: Object to form.</p> <p>21 BY MR. CAIN:</p> <p>22 Q. Apparently not.</p> <p>23 A. Of course I didn't have the time</p> <p>24 for that.</p> <p>25 MR. ZAKHEM: Object to form.</p> <p style="text-align: right;">Page 163</p>	<p>1 GIULIANI</p> <p>2 Q. I do.</p> <p>3 A. I discounted it publicly. I know</p> <p>4 what he was up to.</p> <p>5 Q. Is there anybody that was in the</p> <p>6 United States government during this time</p> <p>7 period that you thought was authoritative</p> <p>8 about election security issues?</p> <p>9 A. Sure.</p> <p>10 Q. But not CISA?</p> <p>11 A. Absolutely not.</p> <p>12 Q. Not the Department of Homeland</p> <p>13 Security?</p> <p>14 A. Department of Homeland Security</p> <p>15 was afraid to investigate this. They were</p> <p>16 afraid that Congress would come down so</p> <p>17 hard on them they wouldn't be able to</p> <p>18 exist. Everybody was afraid to --</p> <p>19 everybody figured if they investigated</p> <p>20 this, what is being done to me would be</p> <p>21 done to them and they were afraid to do</p> <p>22 it. What would be done to them, they</p> <p>23 would be -- they would be attacked by the</p> <p>24 local bar association.</p> <p>25 Q. But you have been?</p> <p style="text-align: right;">Page 165</p>

1 GIULIANI  
2 A. And alleged to be dangerous. I  
3 don't know, I didn't see you guys come in  
4 here with security.  
5 Q. That was for Mr. Oltmann, not for  
6 you.  
7 A. Oh, it was for Mr. Oltmann.  
8 Q. We had security at the courthouse  
9 when he was supposed to testify. Do you  
10 know Mr. Oltmann failed to show up for his  
11 deposition, check your source, on  
12 Wednesday in this case?  
13 MR. SIBLEY: Objection to form.  
14 THE WITNESS: I have no idea that  
15 he showed up so...  
16 BY MR. CAIN:  
17 Q. I'm not afraid of you.  
18 A. That's good. So then the court  
19 was wrong. I'm not a danger.  
20 Q. Well, it depends on the type of  
21 danger. I think they were describing a  
22 different type of danger.  
23 MR. SIBLEY: Objection, form.  
24 THE WITNESS: They were  
25 describing a danger that I could

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1 GIULIANI  
2 create a riot, a riot that was the  
3 only insurrection riot where a shot  
4 wasn't fired except one shot fired by  
5 a police officer that killed an  
6 innocent woman that's covered up and  
7 we're not investigating. They use a  
8 total mischaracterization of what I  
9 said. They said oh, he said trial by  
10 combat. They leave out the fact that  
11 I was talking about a comparison of  
12 the two machines.  
13 No one at the speech that I gave  
14 got up, yelled, screamed, got all  
15 excited. In fact, they were freezing  
16 to death. And my speech was way in  
17 the middle, long before anything  
18 happened, and the president gave the  
19 final speech that went on for an hour  
20 and 15 minutes and ended by saying to  
21 act peacefully and patriotically. So  
22 excuse me if I don't think that's a  
23 setup.  
24 BY MR. CAIN:  
25 Q. And you don't even remember

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1 GIULIANI  
2 though, I asked you earlier about  
3 Mr. Oltmann being with you, your contacts  
4 with him. You don't remember him being in  
5 the Willard Hotel with you the day before  
6 the insurrection?  
7 A. I do not remember. I don't think  
8 I know what he looks like. Could he have  
9 been there? Absolutely he could have been  
10 there. A lot of people were there.  
11 Q. Let me ask --  
12 A. And by the way, when you refer to  
13 it as an insurrection, it should be  
14 referred to as the only insurrection ever  
15 where a gun was not fired, a shot was not  
16 fired. Oh, and the only death was an  
17 unarmed woman who was a Trump supporter  
18 for whom for the first time in American  
19 history we don't know the police officer  
20 who shot her.  
21 Q. According to a report that I saw  
22 recently, on the night of the election you  
23 were at the White House; is that true?  
24 A. It is, yes.  
25 Q. And according to a couple of

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1 GIULIANI  
2 witnesses, a campaign manager was there,  
3 Bill Stepien, Mark Meadows and Jason  
4 Miller. You have been quoted as saying at  
5 that time in a room by the Map Room, you  
6 told them just say that we won.  
7 MR. SIBLEY: Objection, form.  
8 MR. ZAKHEM: Privilege.  
9 MR. SIBLEY: Rudy, can you move  
10 your hand from your face?  
11 THE WITNESS: Yeah, that wasn't  
12 on purpose.  
13 BY MR. CAIN:  
14 Q. Did you tell these individuals to  
15 just say that Trump won the election that  
16 night?  
17 MR. SIBLEY: There's an assertion  
18 of privilege.  
19 BY MR. CAIN:  
20 Q. It's been quoted in the media.  
21 A. All I can tell you without  
22 breaking the privilege is --  
23 MR. ZAKHEM: Counsel, I'd ask --  
24 THE WITNESS: -- if it's been  
25 quoted in the media, it's probably not

Page 169

<p>1 GIULIANI</p> <p>2 true.</p> <p>3 BY MR. CAIN:</p> <p>4 Q. Do you remember saying that?</p> <p>5 MR. ZAKHEM: Objection,</p> <p>6 privilege.</p> <p>7 MR. SIBLEY: Assertion of</p> <p>8 privilege.</p> <p>9 THE WITNESS: The only answer I</p> <p>10 can give you is if it's quoted in the</p> <p>11 media, it's probably not true.</p> <p>12 BY MR. CAIN:</p> <p>13 Q. Have you ever told anybody</p> <p>14 outside of that group that the idea was to</p> <p>15 just simply say that Trump won whether he</p> <p>16 did or not?</p> <p>17 MR. SIBLEY: Objection, form.</p> <p>18 You can answer this --</p> <p>19 THE WITNESS: Of course not. Of</p> <p>20 course not. I've been practicing law</p> <p>21 for over 50 years, I've never in the</p> <p>22 whole time that I've practiced law had</p> <p>23 a single allegation that I acted</p> <p>24 unethically until now.</p> <p>25 ///</p> <p style="text-align: right;">Page 170</p>	<p>1 GIULIANI</p> <p>2 MR. SIBLEY: We're asserting</p> <p>3 privilege.</p> <p>4 THE WITNESS: Tell me who said I</p> <p>5 said that.</p> <p>6 BY MR. CAIN:</p> <p>7 Q. You're quoted. I don't know who</p> <p>8 said you said. You were in the room with</p> <p>9 Mark Meadows, Bill Stepien and Jason</p> <p>10 Miller.</p> <p>11 MR. SIBLEY: Don't disclose</p> <p>12 whatever you said to them.</p> <p>13 THE WITNESS: Someone has to have</p> <p>14 said Rudy Giuliani said -- I didn't</p> <p>15 say that so I'm trying to figure out</p> <p>16 who's lying.</p> <p>17 BY MR. CAIN:</p> <p>18 Q. Another quote was --</p> <p>19 A. You're not going to tell me?</p> <p>20 Q. I don't know. I'm just quoting</p> <p>21 you as you were quoted. I don't know who</p> <p>22 said you said.</p> <p>23 A. Who quoted me?</p> <p>24 Q. It's a quote of you.</p> <p>25 A. Somebody has to write it down.</p> <p style="text-align: right;">Page 172</p>
<p>1 GIULIANI</p> <p>2 BY MR. CAIN:</p> <p>3 Q. Well, I'm just asking you a</p> <p>4 question.</p> <p>5 A. I'm going to finish my answer,</p> <p>6 sir. You asked a question and I'm going</p> <p>7 to finish it. And I'm hardly going to</p> <p>8 tell someone to make an allegation and</p> <p>9 just say it without having substantial</p> <p>10 amount of proof of it. And everything I</p> <p>11 alleged, I have at least one and usually</p> <p>12 10 or 15 affidavits to support except</p> <p>13 nobody wants to look at them. Just like</p> <p>14 they wouldn't look at the hard drive and</p> <p>15 they covered it up and now it's all coming</p> <p>16 out and I'm turning out to be absolutely</p> <p>17 true. The same thing will happen here.</p> <p>18 Q. Well, I'm just asking you,</p> <p>19 there's some quotes that are attributed to</p> <p>20 you and I want to know if they're true or</p> <p>21 not.</p> <p>22 A. What was the quote?</p> <p>23 Q. The first one was just say that</p> <p>24 we won to Mark Meadows, et al.</p> <p>25 A. Who said I said that?</p> <p style="text-align: right;">Page 171</p>	<p>1 GIULIANI</p> <p>2 Q. No.</p> <p>3 A. Where does it appear?</p> <p>4 Q. In a book about this issue.</p> <p>5 A. Who does the book attribute the</p> <p>6 quote to?</p> <p>7 Q. To you.</p> <p>8 A. In other words, he was there, the</p> <p>9 author was there and heard me say it.</p> <p>10 Q. I'm sure he interviewed a witness</p> <p>11 that was there.</p> <p>12 A. That's what I'm asking you.</p> <p>13 Q. It doesn't disclose that, who</p> <p>14 said you said. I'm just asking you if you</p> <p>15 said it.</p> <p>16 A. But you've got to give me the</p> <p>17 context. It's not fair to say did you say</p> <p>18 something you didn't say.</p> <p>19 Q. I don't know if you said it or</p> <p>20 not, sir, that's why I'm asking.</p> <p>21 A. But I'm asking you for the</p> <p>22 details of what you're asking.</p> <p>23 Q. That's what I can give you, and</p> <p>24 your counsel has already instructed you</p> <p>25 not to answer it so we don't need to deal</p> <p style="text-align: right;">Page 173</p>

<p>1 GIULIANI</p> <p>2 with it.</p> <p>3 A. Well, there's nothing privileged</p> <p>4 about that. You just asked me a question.</p> <p>5 Q. I agree.</p> <p>6 A. There's a quote in a book</p> <p>7 attributing to me that I said to people --</p> <p>8 Q. Just say we won.</p> <p>9 A. Now who said that?</p> <p>10 Q. We've already been through this.</p> <p>11 A. You don't know.</p> <p>12 Q. You were quoted as being in a</p> <p>13 room and saying that to Mark Meadows --</p> <p>14 A. In order to evaluate the</p> <p>15 credibility of a quote, I have to know who</p> <p>16 said it. There's not a tape recording of</p> <p>17 it.</p> <p>18 Q. No, nor was there one of</p> <p>19 Dr. Coomer's alleged call, was there?</p> <p>20 MR. ZAKHEM: Object to form.</p> <p>21 THE WITNESS: It was a totally</p> <p>22 different thing.</p> <p>23 BY MR. CAIN:</p> <p>24 Q. How?</p> <p>25 A. I'm going to tell you who told</p> <p style="text-align: right;">Page 174</p>	<p>1 GIULIANI</p> <p>2 A. Yeah, and you're giving me three</p> <p>3 guys, we don't even know who said it.</p> <p>4 Q. And you think Mr. Waldron is</p> <p>5 credible?</p> <p>6 A. I do. Colonel in the military,</p> <p>7 great war record, every piece of -- I've</p> <p>8 had substantial dealings with him and he's</p> <p>9 very, very thorough and very experienced</p> <p>10 in this kind of work.</p> <p>11 Q. Did Chris Christie after the</p> <p>12 press conference that we've been talking</p> <p>13 about tell you that this was a national</p> <p>14 embarrassment and you need to stop?</p> <p>15 A. Chris Christie hasn't even</p> <p>16 talked --</p> <p>17 MR. ARRINGTON: I would like to</p> <p>18 get a count on the time, please.</p> <p>19 THE WITNESS: The answer is</p> <p>20 totally untrue. Chris Christie never</p> <p>21 called me, never did that. He</p> <p>22 wouldn't have the guts.</p> <p>23 MR. ARRINGTON: Mr. Giuliani, I</p> <p>24 would like an answer to my question,</p> <p>25 please.</p> <p style="text-align: right;">Page 176</p>
<p>1 GIULIANI</p> <p>2 me. You're not telling me who said it. I</p> <p>3 told you I was told that by Phil Waldron.</p> <p>4 Now you're telling me I'm alleged to have</p> <p>5 said this but you can't tell me who said</p> <p>6 that.</p> <p>7 Q. No, can't.</p> <p>8 A. Well, it sounds like pretty</p> <p>9 incredible to me then if you can't do</p> <p>10 that. You've got apples and oranges, my</p> <p>11 friend.</p> <p>12 Q. Are you denying it?</p> <p>13 MR. ZAKHEM: Object to form.</p> <p>14 THE WITNESS: I never said that,</p> <p>15 I never said it and the reality is the</p> <p>16 way it's attributed, it's almost</p> <p>17 patently untrue. That's what a phony</p> <p>18 reporter does when he's saying</p> <p>19 something false. How would you treat</p> <p>20 a statement if I said your client said</p> <p>21 it but I'm not going to tell you who</p> <p>22 said it. I'm giving you the person</p> <p>23 who told me on the record.</p> <p>24 BY MR. CAIN:</p> <p>25 Q. Phil Waldron?</p> <p style="text-align: right;">Page 175</p>	<p>1 GIULIANI</p> <p>2 THE WITNESS: I don't even know</p> <p>3 what your question is. I'm answering</p> <p>4 the question I was just asked.</p> <p>5 MR. ARRINGTON: I understand but</p> <p>6 I would like to get an answer as to</p> <p>7 the count of time.</p> <p>8 THE WITNESS: The time? I don't</p> <p>9 know the time because --</p> <p>10 MR. ARRINGTON: I'm not asking</p> <p>11 you, sir.</p> <p>12 MR. SIBLEY: It's three hours,</p> <p>13 three minutes, Barry, but we spent</p> <p>14 about five minutes going over who was</p> <p>15 on Zoom, so I've given him an</p> <p>16 additional five minutes.</p> <p>17 THE WITNESS: I'm happy to tell</p> <p>18 you that Chris Christie never called</p> <p>19 me, never said that.</p> <p>20 BY MR. CAIN:</p> <p>21 Q. He said it on a national --</p> <p>22 A. He wouldn't have the guts to do</p> <p>23 it.</p> <p>24 Q. He said it on ABC.</p> <p>25 MR. ZAKHEM: Object to form.</p> <p style="text-align: right;">Page 177</p>


1 GIULIANI  
2 THE WITNESS: I know he was  
3 saying it. He wasn't telling the  
4 truth. He was what we call lying.  
5 BY MR. CAIN:  
6 Q. Did he call you and say you  
7 needed to stop?  
8 A. Never. Chris Christie and I  
9 don't have that kind of relationship. He  
10 wouldn't have called me to tell me to  
11 stop. He would be afraid to. He's not  
12 going to lie to my face. He would be  
13 afraid to lie to my face.  
14 Q. Okay. I don't have enough time  
15 to get into a different subject under the  
16 court's order so I think we're going to  
17 shut it down for today.  
18 A. We're not finished?  
19 Q. Pardon?  
20 A. We're going to continue this?  
21 Q. No, I'm saying the court has  
22 ordered us to have a time limit. We've  
23 reached that time limit.  
24 A. Good.  
25 Q. So I'm going to conclude my

Page 178

1 GIULIANI  
2 questions for today and thank you for your  
3 hospitality.  
4 A. Thank you.  
5 MR. SIBLEY: I've got no  
6 questions.  
7 THE VIDEOGRAPHER: Does anyone  
8 else have any questions on remote?  
9 MR. SIBLEY: We're at the limit  
10 of the deposition so nobody is asking  
11 questions.  
12 THE VIDEOGRAPHER: This concludes  
13 today's testimony. We're now off the  
14 record at approximately 1:07 p.m.  
15 (Time noted: 1:07 p.m.)  
16  
17  
18 RUDOLPH GIULIANI  
19  
20 Subscribed and sworn to before me  
21 this \_\_\_\_ day of \_\_\_\_\_, 2021.  
22  
23  
24  
25

Page 179

1 GIULIANI  
2 C E R T I F I C A T E  
3 STATE OF NEW YORK )  
4 : ss.  
5 COUNTY OF NASSAU )  
6  
7 I, CATHI IRISH, a Registered  
8 Professional Reporter, Certified Realtime  
9 Reporter, and Notary Public within and for  
10 the State of New York, do hereby certify:  
11 That RUDOLPH GIULIANI, the witness  
12 whose deposition is hereinbefore set  
13 forth, was duly sworn by me and that such  
14 deposition is a true record of the  
15 testimony given by the witness.  
16 I further certify that I am not  
17 related to any of the parties to this  
18 action by blood or marriage, and that I am  
19 in no way interested in the outcome of  
20 this matter.  
21 IN WITNESS WHEREOF, I have hereunto  
22 set my hand this 18th day of August, 2021.  
23  
24  
25

  
CATHI IRISH, RPR, CRR, CLVS

Page 180

1 GIULIANI  
2 ----- I N D E X -----  
3 WITNESS EXAMINATION BY PAGE  
4 RUDOLPH GIULIANI MR. CAIN 14  
5  
6  
7 ----- EXHIBITS -----  
8 EXHIBIT NUMBER DESCRIPTION PAGE  
9 Exhibit 98, declaration 17  
10 Exhibit 102, document from Jan 85  
11 Wolfe Twitter account  
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Page 181

1	GIULIANI	
2	*** ERRATA SHEET ***	
3	NAME OF CASE: Coomer vs. Donald J. Trump	
4	for President, et al.	
5	DATE OF DEPOSITION: August 14, 2021	
6	WITNESS: Rudolph Giuliani	
7		
8	PAGE LINE FROM TO	
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23	Witness and sworn to before me	
24	this ____ day of _____, 2021.	
25	(Notary Public) My Commission Expires:	
	Page 182	
1	sibley@camarasibley.com	
2	August 18, 2021	
3	Coomer, Eric, Ph.D. v. Donald J. Trump For President	
4	DEPOSITION OF: Rudolph Giuliani (# 4691866)	
5	The above-referenced witness transcript is	
6	available for read and sign.	
7	Within the applicable timeframe, the witness	
8	should read the testimony to verify its accuracy. If	
9	there are any changes, the witness should note those	
10	on the attached Errata Sheet.	
11	The witness should sign and notarize the	
12	attached Errata pages and return to Veritext at	
13	errata-tx@veritext.com.	
14	According to applicable rules or agreements, if	
15	the witness fails to do so within the time allotted,	
16	a certified copy of the transcript may be used as if	
17	signed.	
18	Yours,	
19	Veritext Legal Solutions	
20		
21		
22		
23		
24		
25		
	Page 183	



Colorado Rules of Civil Procedure  
Chapter 4, Disclosure and Discovery  
Rule 30

(e) Review by Witness; Changes; Signing. If requested by the deponent or a party before completion of the deposition, the deponent shall be notified by the officer that the transcript or recording is available. Within 35 days of receipt of such notification the deponent shall review the transcript or recording and, if the deponent makes changes in the form or substance of the deposition, shall sign a statement reciting such changes and the deponent's reasons for making them and send such statement to the officer. The officer shall indicate in the certificate prescribed by subsection (f)(1) of this rule whether any review was requested and, if so, shall append any changes made by the deponent.

DISCLAIMER: THE FOREGOING CIVIL PROCEDURE RULES ARE PROVIDED FOR INFORMATIONAL PURPOSES ONLY. THE ABOVE RULES ARE CURRENT AS OF APRIL 1, 2019. PLEASE REFER TO THE APPLICABLE STATE RULES OF CIVIL PROCEDURE FOR UP-TO-DATE INFORMATION.

VERITEXT LEGAL SOLUTIONS  
COMPANY CERTIFICATE AND DISCLOSURE STATEMENT

Veritext Legal Solutions represents that the foregoing transcript is a true, correct and complete transcript of the colloquies, questions and answers as submitted by the court reporter. Veritext Legal Solutions further represents that the attached exhibits, if any, are true, correct and complete documents as submitted by the court reporter and/or attorneys in relation to this deposition and that the documents were processed in accordance with our litigation support and production standards.

Veritext Legal Solutions is committed to maintaining the confidentiality of client and witness information, in accordance with the regulations promulgated under the Health Insurance Portability and Accountability Act (HIPAA), as amended with respect to protected health information and the Gramm-Leach-Bliley Act, as amended, with respect to Personally Identifiable Information (PII). Physical transcripts and exhibits are managed under strict facility and personnel access controls. Electronic files of documents are stored in encrypted form and are transmitted in an encrypted fashion to authenticated parties who are permitted to access the material. Our data is hosted in a Tier 4 SSAE 16 certified facility.

Veritext Legal Solutions complies with all federal and State regulations with respect to the provision of court reporting services, and maintains its neutrality and independence regardless of relationship or the financial outcome of any litigation. Veritext requires adherence to the foregoing professional and ethical standards from all of its subcontractors in their independent contractor agreements.

Inquiries about Veritext Legal Solutions' confidentiality and security policies and practices should be directed to Veritext's Client Services Associates indicated on the cover of this document or at [www.veritext.com](http://www.veritext.com).

# EXHIBIT

# C

**Exhibit  
PX 0098**  
Giuliani

DISTRICT COURT, DENVER COUNTY, CO 1437 Bannock Street, Denver, CO 80202	<div style="text-align: center;"><b>COURT USE ONLY</b></div> <hr/> Case Number: 2020CV34319  Division Courtroom: 409
ERIC COOMER, Ph.D., Plaintiff  vs.  DONALD J. TRUMP FOR PRESIDENT, INC., SIDNEY POWELL, SIDNEY POWELL, P.C., RUDOLPH GIULIANI, JOSEPH OLTSMANN, FEC UNITED, SHUFFLING MADNESS MEDIA, INC. dba CONSERVATIVE DAILY, JAMES HOFT, TGP COMMUNICATIONS LLC dba THE GATEWAY PUNDIT, MICHELLE MALKIN, ERIC METAXAS, CHANEL RION, HERRING NETWORKS, INC. dba ONE AMERICA NEWS NETWORK, and NEWSMAX MEDIA, INC., Defendants	
<i>Attorneys for Defendant, Rudolph Giuliani:</i>  Geoffrey N. Blue (32684), <a href="mailto:gblue@gesslerblue.com">gblue@gesslerblue.com</a> Scott E. Gessler (28944), <a href="mailto:sgessler@gesslerblue.com">sgessler@gesslerblue.com</a> Gessler Blue LLC 7350 E Progress Pl., Suite 100 Greenwood Village, CO 80111 Tel: (303) 906-1050	
<div style="text-align: center;"> <b>DECLARATION OF RUDOLPH GIULIANI IN SUPPORT OF  SPECIAL MOTION TO DISMISS  PURSUANT TO COLO. REV. STAT. § 13-20-1101</b> </div>	

RUDOLPH GIULIANI, hereby declares as follows pursuant to COLO. REV. STAT. § 13-27-106:

1. “My name is Rudolph Giuliani. I am one of the Defendants in the above-referenced cause.

2. “Just after the November 3, 2020 Election (“*Election*”), I was retained by Donald J. Trump for President, Inc (“*Trump Campaign*”). I was the head of the Trump Campaign’s legal team. I began the process of investigating what were perceived as voting irregularities in the Election. Prior to November 3, 2020, I was unfamiliar with Plaintiff Eric Coomer (“*Coomer*”), Dominion Voting Systems (“*Dominion*”), or Smartmatic (“*Smartmatic*”).
3. “At some point during our legal team’s investigation into the Election (which included voting security issues with Dominion and Dominion’s history with Smartmatic) we became aware of media reports circulating regarding Coomer and allegations that he had been overheard telling a radical leftist group words to the effect that he had ensured that Trump would lose the Election. I perceived this to mean that Coomer used his position at Dominion to rig the software or machines to manipulate the Election results. I was also made aware that Coomer was alleged to have ties to radical leftist groups, such as Antifa.
4. “Around this same time frame, we had learned many alarming facts about voting machines and voting technologies used in the 2020 Election: (1) information that Smartmatic had ties to Venezuela and the Chavez regime; (2) information that Smartmatic had attempted to operate in the U.S. through a subsidiary called Sequoia Voting (“*Sequoia*”); (3) information that the U.S. Government had raised concerns regarding Smartmatic operating Sequoia given its ties to Venezuela and unknown ownership; (4) information that Dominion had acquired Sequoia from Smartmatic after Smartmatic decided to divest from Sequoia rather than fully comply with an investigation by the U.S. Government and with Sequoia, also acquired Coomer who

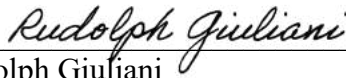
worked for Sequoia as “Vice President of Research and Product Development”; (5) information that Dominion had a software licensing agreement with Smartmatic; (6) allegations of voting irregularities with Dominion machines/software that had switched votes from Trump to Biden; (7) evidence that Texas had rejected Dominion due to security concerns; and (8) evidence of significant nationwide concern over the security of Dominion machines and software that existed prior to the Election.

5. “I was aware of these facts prior to the November 19, 2020 press conference in Washington, D.C. (“*Press Conference*”) as a result of our legal team’s investigation into the Election. At the time I made the statements in the Press Conference regarding Coomer I believed them to be true. Although I do not believe I interviewed or talked to Mr. Oltmann (the person alleged to overheard Coomer make the statements in question) prior to the Press Conference, I had seen evidence of Coomer’s social media postings which were vehemently anti-Trump.
6. “Based on that corroborating evidence, I had no reason to doubt the credibility of the witness testimony that was being widely reported at the time regarding Coomer’s statements that he had programmed Dominion machines or software to rig the Election. I believed them to be true when I made the statements regarding Coomer at the Press Conference.
7. “In addition, at the time I made the statements in the Press Conference regarding Coomer, I had already filed a suit to challenge the Election and was planning to file more suits in contested states alleging, among other things, that the results of the Election were tainted based on security issues with Dominion machines and/or software. The alleged statements from Coomer were intended to be part of our legal

team's presentation of evidence to challenge the Election results. In fact, the entire purpose of the Press Conference was to announce an "opening statement" as to what we expected the evidence to show in the litigation over the Election we had already and were preparing to file in the contested states.

8. "I declare under penalty of perjury under the law of Colorado that the foregoing is true and correct.

Executed on the 29<sup>th</sup> day of April, 2021 in New York, NY, United States of America.

  
\_\_\_\_\_  
Rudolph Giuliani

<b>DISTRICT COURT</b> <b>CITY AND COUNTY OF DENVER,</b> <b>COLORADO</b> 1437 Bannock Street, Room 256 Denver, CO 80202 Phone: (303) 606-2300	
<b>ERIC COOMER,</b> Plaintiff,  v.  <b>DONALD J. TRUMP FOR PRESIDENT,</b> et al.  <b>Defendants.</b>	<p style="text-align: center;"><b>▲ COURT USE ONLY ▲</b></p>
<i>Attorneys for Defendant, Rudolph Giuliani:</i> Geoffrey N. Blue (32684), <a href="mailto:gblue@gesslerblue.com">gblue@gesslerblue.com</a> Scott E. Gessler (28944), <a href="mailto:sgessler@gesslerblue.com">sgessler@gesslerblue.com</a> Gessler Blue LLC 7350 E Progress Pl., Suite 100 Greenwood Village, CO 80111 Tel: (303) 906-1050	Case Number: 2020CV34319  Division:
<p style="text-align: center;"><b>OBJECTIONS TO PLAINTIFF’S REQUESTS FOR PRODUCTION TO DEFENDANT RUDOLPH GIULIANI RELATING TO SPECIAL MOTION TO DISMISS</b></p>	

The Plaintiff has served requests for production (“RFPs”) that are overly broad, confusing and seek to expand Defendant Rudolph Giuliani’s (“Giuliani”), obligations under the Colorado Rules of Civil Procedure. Accordingly, Giuliani provides the following objections to those RFPs:

**Exhibit  
PX 0099**  
Giuliani



## **OBJECTIONS TO DEFINITIONS AND INTERPRETATIONS AND INSTRUCTIONS**

Giuliani objects to the definitions and instructions to the extent they seek to expand his obligations to respond beyond those obligations set forth in the Colorado Rules of Civil Procedure, and he refuses to adhere to any of the definitions or instructions to the extent they seek to expand his obligations beyond those set forth in the Colorado Rules of Civil Procedure.

In particular, Giuliani does not have an obligation to produce documents electronically nor to follow Plaintiff's instructions regarding the electronic format of those documents if he does produce them electronically. He also will only perform the search and recovery of any documents required by the Colorado Rules of Civil Procedure.

To the extent any of the below requests include privileged documents or documents protected by the work product doctrine, Giuliani will not produce those documents and will follow the Colorado Rules of Civil Procedure on how those documents are identified to Plaintiff if they must be identified.

These specific objections do not obviate Giuliani's general objection to the Definitions and Interpretations and Instructions that seek to expand his obligations beyond those set forth by the Colorado Rules of Civil Procedure.

## **OBJECTIONS TO REQUESTS FOR PRODUCTION**

1. All communications (including email and text messages) about Dr. Coomer and/or Dominion Voting Systems between you and:

a. Any other Defendant

- b. Ron Watkins (including any aliases)
- c. Jack Posobiec
- d. Christina Bobb
- e. Michael Flynn
- f. Patrick Byrne
- g. Lindsey Oakley

The foregoing request is limited in time from January 2020 to the present with an obligation to update should additional materials be discovered.

**Response:** Giuliani objects to RFP 1 to the extent it seeks information regarding the Dominion Voting Systems which is not a subject of this lawsuit. He further objects to the extent it seeks documents created after the lawsuit was filed which are not relevant to the case. He will produce only communications in his possession, custody, or control about Plaintiff. Giuliani will not produce any documents created in connection with the defense of this lawsuit, as those documents are privileged and/or protected by the work product doctrine – and they will not be included in a “Privilege Log.”

2. All broadcasts and publications of You containing any statements regarding Dr. Coomer.

**Response:** Giuliani objects to RFP 2 as the phrase “All broadcasts and publications of you...” is grammatically confusing and the term “regarding” is overly broad. Giuliani also objects to this request because it suggests that Giuliani either broadcasted or published any statements about Dr. Coomer. He will produce all broadcasts and publications in his possession, custody or control that contain any statements by him in which he references Plaintiff.

3. All evidence of any retractions you have made with respect to statements regarding Dr. Coomer.

**Response:** Giuliani objects to RFP 3 because the term “regarding” is overly broad and the term “retraction” can have multiple meanings. He will produce documents showing any evidence of “retractions,” as that word is used in the relevant caselaw, about any statements he made about Plaintiff. Giuliani further objects to this Defendants object to this request because it seeks information not likely to lead to the discovery of relevant evidence. In assessing whether a party acted with actual malice, “[t]he Court must look at the circumstances at the time the publication was issued.” *United Food and Commercial Workers Union v. Ute City Tea Party, Ltd.*, No. 98CV285, 2000 WL 1575536, \*6 (Colo. Dist. Ct. Feb. 10, 2000) (emphasis added). Because the decision whether to issue a retraction is made after the time of publication, “the failure to retract is not ‘adequate evidence of malice for constitutional purposes.’” *Id.* (quoting *New York Times v. Sullivan*, 376 U.S. 254, 286 (1964)).

4. All documents reflecting any investigation you made regarding the allegations about Dr. Coomer made by Defendant Joseph Oltmann.

**Response:** Giuliani objects to RFP 3 because the term “regarding” is overly broad. Giuliani also objects to this request as, by its terms, it seeks attorney-client privileged and work product protected information, that he refuses to produce. He will produce non-privileged responsive documents that were created prior to the filing of the lawsuit, but will not produce documents created in connection with his defense of this lawsuit.

Respectfully submitted this 25th day of June 2021,

GESSLER BLUE LLC

s/ Geoffrey N. Blue  
Geoffrey N. Blue

### **Certificate of Service**

I certify that on this 25th day of June 2021, the foregoing was electronically served to all parties on their counsel of record via ICCES.

By: s/ Joanna Bila  
Joanna Bila, Paralegal

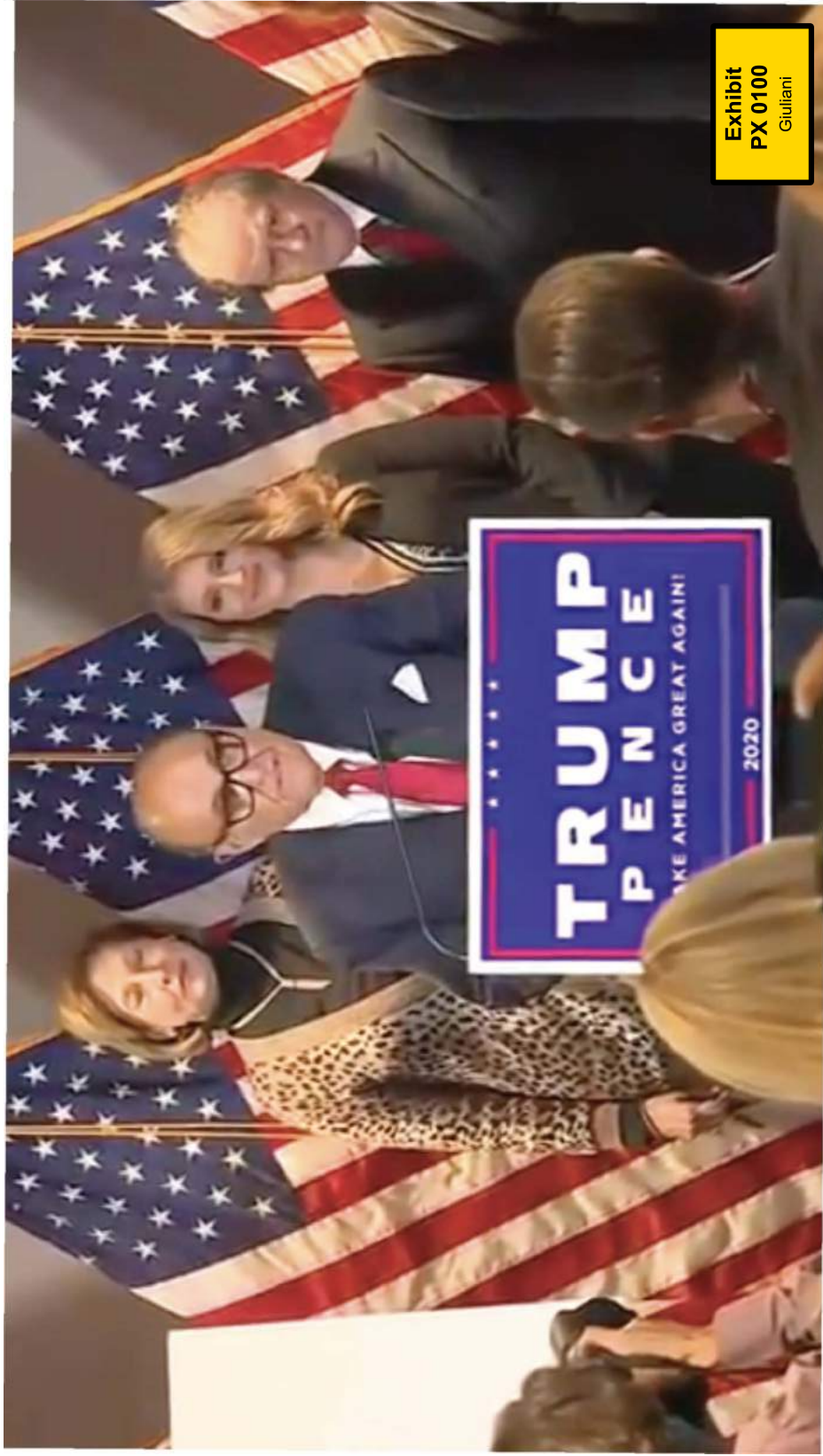


Exhibit  
PX 0100  
Giuliani

EXHIBIT 101

Video File

PRESERVED IN NATIVE FORMAT



**Jan Wolfe**   
@JanNWolfe



Newly disclosed emails show how a One America News "reporter" was working for Giuliani and helping him try to overturn the election.

[americanoversight.org/arizona-senate...](https://americanoversight.org/arizona-senate...)

Dec. 4, 2020, email from Christina Bobb to Fann: "Mayor Giuliani asked me to send you these declarations. He will follow up with you as well." 

From: Christina Bobb <[REDACTED]>  
Date: Friday, December 4, 2020 at 11:45 AM  
To: "kfann@azleg.gov" <kfann@azleg.gov>  
Subject: AZ Evidence/Affidavits

Good morning, Ma'am,  
Mayor Giuliani asked me to send you these declarations. He will follow up with you as well. I will have one more email follow this one.  
Respectfully,  
Christina

4:28 PM · Jun 7, 2021 · Twitter Web App

**2,704** Retweets   **167** Quote Tweets   **5,558** Likes



**Exhibit  
PX 0102**  
Giuliani



**Jan Wolfe**  @JanNWolfe · 16h

This isn't how journalism works  
[thedailybeast.com/oan-host-chris...](https://thedailybeast.com/oan-host-chris...)

president's team. Her presence has caused a bit of confusion among actual campaign staff, who wondered if she was there to embed with the Trump legal "strike force" as a reporter.

But according to multiple knowledgeable sources, Bobb has actually been assisting the president's long, long, *long*-shot legal effort—effectively taking on a secondary role as a pro-Trump lawyer even as she continues her job as a pro-Trump TV host.

**"Christina is an attorney and has helped with some legal work in her personal capacity and not on behalf of OAN,"** Jenna Ellis, a senior legal adviser to Trump and his 2020 campaign, told The Daily Beast on Monday afternoon.

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